

UNIVERSITY OF PITTSBURGH

Dar. Rm.

qDA25

H5

Aug.1717/

Dec.1718



GALEN C. HARTMAN
LIBRARY FUND

CALENDAR
OF
STATE PAPERS,
COLONIAL SERIES,
AMERICA AND WEST INDIES,
AUGUST 1717—DEC. 1718,

PRESERVED IN THE
PUBLIC RECORD OFFICE.

EDITED BY
CECIL HEADLAM, M.A.

PUBLISHED BY THE AUTHORITY OF THE LORDS COMMISSIONERS OF HIS MAJESTY'S TREASURY
UNDER THE DIRECTION OF THE MASTER OF THE ROLLS.

First published by Her Majesty's Stationery Office
London
1930

REPRINTED BY ARRANGEMENT WITH
HER MAJESTY'S STATIONERY OFFICE, LONDON, BY

KRAUS REPRINT LTD.

VADUZ
1964

Da. Rm
e-DA25
H5
Aug. 17/7/
Dec. 17/8

Printed in the United States of America

CORRIGENDA.

Page	2	line	4 from bottom, <i>for</i> 10,000 <i>read</i> 20,000.
"	8	"	13 <i>For</i> 6th <i>read</i> 2nd.
"	22	"	5 <i>For</i> 00 i <i>read</i> 61 i.
"	25	"	3 <i>After</i> former, <i>read</i> to H.M. Ambassador at the Court of France, and the latter.
"	44		last line but one, <i>For</i> 4965 <i>read</i> 14,965.
"	45	line	3 from bottom, <i>For</i> Sept., <i>read</i> Aug.
"	46	"	6 <i>For</i> Sept., <i>read</i> Aug.
"	156	"	24 <i>For</i> 342,33 <i>read</i> 324,33.
"	164	"	17 <i>For</i> Representations <i>read</i> Representation.
"	186		last line but one, <i>For</i> Swanson <i>read</i> Swanton.
"	192	line	16 from bottom, <i>For</i> he <i>read</i> they.
"	205	"	31 <i>For</i> My <i>read</i> Mr.
"	216	"	9 <i>Dele</i> T.
"	228	"	23 <i>For</i> Shardo <i>read</i> Shard.
"	246		lines 1 and 3 <i>For</i> 250 <i>read</i> 520.
"	246	line	12 from bottom, <i>For</i> Joseph <i>read</i> Josiah.
"	336	"	24 <i>For</i> Peneicola <i>read</i> Pencicola.
"	347	"	10 <i>For</i> Reply to <i>read</i> Reply by.
"	366	"	11 from bottom, <i>For</i> refilling <i>read</i> refitting.

PREFACE.

§ 1.

GENERAL.

Craggs
succeeds
Addison as
Secretary
of State.

In March, 1718, Mr. Craggs informed the Governor of Plantations that he had been appointed to succeed Joseph Addison as Secretary of State for the Southern Department (446).

Printing of
the Acts
of the
Plantations.

Before Addison's failing health had compelled him to resign the Seals, he was able to report several important decisions by the King in Council on Plantation affairs (64). Among them was an order to the King's Printer to proceed with the printing of the Acts of the Plantations in accordance with the request of the Board of Trade, who had explained that when they had to consult the laws of the several Colonies, "by reason the said laws are contained in several large bundles of parchment, it is difficult and tedious to come at what is immediately wanted." The records show that John Basket was soon busy printing the Acts of Bermuda and New York (51, 64, 67). His estimate of the cost was "five farthings pr. sheet" (469, 715, 721, 728). Printing the Acts entailed, of course, a preliminary overhauling and collection of the body of laws of the several Colonies, which in some cases had already been done. In the case of Virginia this procedure gave occasion for objections to be raised to some laws of long standing (171, 174).

Instruction
to Governors
concerning
Acts affecting
trade and
shipping.

On Sept. 27, 1717, a new and important Instruction to Governors was issued, restraining them for the future from passing any act which might in any way affect British trade or shipping without the addition of a clause suspending it from coming into force until it had received confirmation from the Crown (90 i., 111, 132, 142). This Instruction was forwarded to Governors,

New Seals. together with warrants for using the new Seals which had been prepared after the accession of King George I (127, 135, 142).

Governors' Instructions revised. Much care having been spent upon the preparation of Instructions for the new Governor of Jamaica (*v.* §3), and many alterations having been made from those of his predecessors, it was decided to revise the Instructions of other Governors so as to secure uniformity, as far as possible (144, 144 i., 275, 665-667). The nature of these alterations is described in the covering letter of the Board of Trade to the Secretary of State (144). In preparing them, the Board consulted the outgoing Governor of Jamaica.

Board of Trade. The Earl of Holderness succeeded the Earl of Suffolk and Bindon as President of the Council of Trade and Plantations in Jan., 1718 (339). The Board had recently been reinforced by the appointment in July, 1717, of two very busy and capable new Commissioners, Martin Bladen (an M.P. who had been Comptroller of the Mint since 1714) and Daniel Pulteney (625).

New rooms required. One of the "closets in the office in the cockpit" was now so much out of repair that it was found that the Records of the Board were being seriously damaged (224). As the mass of documents was rapidly increasing, the Board presently made a request for the erection of a new room on Crown land adjoining the office (300). Then, finding that this would be "a work both of time and expence," they altered their request to one for permission to take over some adjacent lodgings (484).

Admiralty Records burned; Burchett's History of the Navy. It would appear that the Admiralty Office also was cramped for room for housing its Records. In answering an application by Mr. Popple for the copy of a letter from Admiral Benbow, the Secretary of the Admiralty reveals that a quantity of letters had been destroyed by a fire "in a particular place where they were lodged in the garden of this Office" (624). Mr. Burchett, however, had used these documents for the History of the Navy which he had nearly finished, and was able to supply the gist of Benbow's correspondence from that source (624 i.). One wonders whether perhaps they had been "lodged in the garden" for his use.

Counsel
appointed to
attend the
Board.

A difference
with the
Attorney and
Solicitor
General.

The revision of the laws of the Plantations, which was rendered necessary by the undertaking to print them, involved the consideration of many legal points in addition to those raised in the course of ordinary Plantation business. The Board was empowered by its Commission to consult, when necessary, the Attorney or Solicitor General, or any other King's Counsel. The practice hitherto had been to consult only the Attorney or Solicitor General, and in view of the many calls upon their time, to consult them as little as possible. A difference had recently occurred between them and the Board. The Law Officers of the Crown had declared to the Privy Council, when a report of the Council of Trade upon some acts of the Leeward Islands was being considered, that they had not given any opinion on the subject. Consideration of the report was thereupon laid aside. But the Council of Trade had stated in that report that they had consulted the Attorney and Solicitor General, and on hearing what had happened, they indignantly protested against "the great wrong" done them, and clinched their argument by submitting attested copies of the opinions which they had received from those officers, and which they had quoted in their representation (237). It may well be that this breeze helped to impress them with the desirability of having some lawyer attached to the Board, upon whom they might call for an opinion on any point of law, great or small. His particular business would be to report upon colonial acts, as to whether they were properly drawn, whether they infringed the Royal Prerogative or the right of the subject, and whether they were consonant with both the Acts of Trade and Navigation and the other laws of the United Kingdom (409). At any rate, the Board applied for such an officer to relieve the Attorney and Solicitor General from being consulted on all but matters of the greatest importance, and Richard West, K.C., was appointed accordingly (496).

Returns
required
from
Governors.

The new Board showed itself at least as anxious as its predecessors to obtain information and statistics from the Colonies, partly in order to satisfy the growing

interest taken by Parliament in the trade and administration of the Empire. Besides repeating former demands for regular accounts of revenues, it sent circular letters to the Governors of the Plantations requesting statements of the number of acres that had been granted to planters, and details of quit-rents and of the establishments of each Government (63, 334). Notice was demanded when leave of absence was granted to a Councillor (570). Returns of imports and exports from and to Madeira and the Azores were required (334 *etc.*).

French
progress
on the
Mississippi.

The progress made by the French in establishing communications between Canada and the new colony of Louisiana, and their preparations for new settlements on the Mississippi “on the back of the British Plantations” had already aroused apprehension in such astute Governors as Spotswood of Virginia and Hunter of New York. (*Cf.* C.S.P. 1716-17, *p.* viii.).

The Company
of the West.

Mr. Cumings, the Customs House Officer at Boston, now sent a map of the British Empire in North America to illustrate the danger which threatened it (85). Shortly afterwards (4th Dec., 1717), Mr. Beresford submitted, on behalf of South Carolina, a memorial in which he drew attention to the transferring of Crozat’s patent for Louisiana to the new *Compagnie d’Occident*, and to the extensive powers and privileges which were now conferred upon it. The national effort directed by Law’s new organisation, and by the French in Canada, would, it was feared, enable them effectually to put into execution the project of La Hontan, either to induce the Five Nations to transfer both their allegiance and their trade from the English to the French, or else to compel them by the erection of forts in places indicated by him. It was suspected that they were preparing an attack upon the Cherokee Indians, whose friendship was of the first importance to Carolina. The Carolinians represented that the grant made to Crozat by Louis XIV in 1712, as outlined by La Hontan’s map, included not only all Florida, but also the whole Continent from the Mississippi to the St. Lawrence. It therefore both shut in all the British Plantations on the Continent, and

French
encroachment
on the
patent of
Carolina.

Enquiries by
the Board
of Trade
as to French
expansion.

infringed the patent of the Proprietors of Carolina, whose grant extended from the North to the South Sea. The Carolinians urged the Government to assert the authority of the Crown against such encroachments (238, 660). This memorial was communicated to the Secretary of State by the Board of Trade, who at the same time wrote to all the Governors of North America for information as to the progress and encroachments of the French, and the methods which they would recommend for checking them (256).

Remedies
proposed.

Cumings saw in the danger which threatened from this quarter yet one more reason for resuming the charters of the Proprietary Governments, in order that, with a uniform system of government, a scheme of combined defence might be introduced (85, 660. *Cf.* C.S.P 1716-17, *pp.* ix., x.). Spotswood, from Virginia, gave reasons for doubting the report that the French and their Indians were marching against the Cherokees, or that they would be successful if they did. But he saw plainly enough that it would be in the interest of the British to obstruct the growth of the new French colony on the Mississippi, and that this could best be done by cultivating the friendship of the Cherokees, extending trade relations with the other tribes of Indians in the West, and interrupting the French line of communication between Quebec and the Bay of Mexico by adopting a forward western policy and pushing on across the mountains, over which he had discovered a passage (800). From Carolina the encreasing power of the French at Mobile was used as an argument for resuming the charter of the Lords Proprietors (660). New England had nothing to fear from the French settlements on the Mississippi, and felt secure in the great distance and the vast forests which separated them. For Massachusetts and New Hampshire, it was felt, the danger-point was Cape Breton, where the fortification of Louisburg gave rise to apprehension (700). General Hunter, Governor of New York, like Spotswood, advocated a forward policy. He had already drawn attention to the claims inherent in M. Crozat's patent, and the danger which hung over the frontiers of the British

Plantations from the increase of French influence over the Indians, and the raids upon the frontiers which it might instigate. The extension of our own frontiers, and the erection of forts and the increase of frontier garrisons were the remedies which he had already advocated (600. Cf. C.S.P. 1716-17, *p.* viii., and, 1715, *pp.* viii.-x.).

Relations with
Spain.
Seizure of
British ships.

Relations with Spain were now very strained. So far as the Colonies were concerned, complaints continued to be made of British ships seized by Spanish *guarda costas*, and now began to take the shape of formal protests and appeals to the Government. Jamaican merchants submitted a list of their losses, and complained that the Governors of Spanish ports refused to give any satisfaction in such cases, even when seizures had been made within sight of the island, or raids carried out upon Jamaican plantations (65, 65 i.-iii.)

The case of
Captain
Beverley.

A particularly outrageous instance was the case of the *Virgin of Virginia*, a privateer commanded by Harry Beverley, a Virginian, who, as shown in the previous volume (C.S.P. 1716-17, Nos. 595, 595 iv.), had been commissioned by Lt. Governor Spotswood to investigate the activities of pirates on Providence Island in the Bahamas, which were under his jurisdiction as Vice-Admiral. Beverley's character was vouched for by the Council of Virginia. There was not the least ground for suspicion that he was engaged upon any unlawful design or intended any hostile action against the Spaniards. Nevertheless, he was captured by a Spanish man-of-war upon the high seas, and finally carried into Vera Cruz. There the Viceroy of Mexico, without granting him a hearing or considering the credentials and instructions with which he had been furnished by the Lt. Governor of Virginia, condemned his sloop, and flung him and his crew into prison, without subsistence, so that several died of starvation. Beverley made his escape to Virginia, after having lain seven months in gaol, petitioning in vain for a trial. Spotswood might well protest that "by the same rule that the Spaniards have taken this man and his vessell on the high seas and without being near any of their Dominions,

Redress
demanded
from Madrid.

and without any hostility offered on his part, every vessell belonging to H.M. subjects may expect the like treatment " (10, 10 i.-viii, 59 ; C.S.P. 1716-17, Nos. 595, 595 iv.). The Council of Trade laid the case before the Secretary of State " as a matter of very great consequence to the trade of this Nation " (5, 5 i.), and the British Envoy at Madrid was instructed to demand redress, (Aug. 1717. No. 64). There was, besides, the grievance of the Carolinians that the Spaniards at St. Augustine harboured and encouraged enemy Indians in their war with them (525). On the other hand, instructions were given that the Governor of Jamaica should enquire into the Spanish complaint of piracies committed by Jamaican privateers, and reparation be made, if feasible (361).

Representation
on Logwood
cutting in
Bay of
Campeche.

In Sept., 1717, the Council of Trade made their report in answer to the Marquis de Monteleon's memorial concerning the logwood-cutters in the Bay of Campeche (104 i.). This highly important representation has often been mentioned, but never before printed. The Board asserted the full and ample right of British subjects to this trade. They traced their claim to the first settlements near Cape Catoche made by English privateersmen during the hostilities preceding the Treaty of Madrid in 1667, after they had driven the Spaniards out of that trade. Either upon, or before the publication of that Treaty, English logwood-cutters also settled near Suma Sunta " adjacent to the Laguna de Terminos and to Triste and Beef Islands." Their right to the trade was held to be confirmed by the American Treaty concluded by Sir William Godolphin in 1670, and their possession was made good, according to Sir Thomas Modyford, Governor of Jamaica, writing in 1672, by their having used that trade for three years past and by their occupation of the interior up to five miles from the coast, where they had never seen a Spaniard. Such possession was held in the West Indies " to be the strongest that can be, viz. felling of wood, building of houses and clearing and planting the ground." By the 7th Article of the American Treaty it was provided that " the King of Great Britain shall hold and keep all

the lands *etc.* in any part of America, which he and his subjects now hold and possess." Thus, it was argued, the Laguna de Terminos and the parts adjacent, being in the possession of the English before the conclusion of that Treaty, they were confirmed in it by the said Treaty. But in 1672 a Royal cedula was issued by the Queen Regent of Spain, by which it was decreed that "such as should make invasion, or trade without license in the ports of the Indies, should be proceeded against as pirates." By virtue of this decree the Spaniards began to seize any ships that had logwood on board without regard to the Treaty of 1670. Disregarding the effective occupation of the English or the absence of it on their own part, they attacked and dislodged the English logwood cutters at the Laguna de Terminos and Island of Triste in 1680. But after two or three months, these places were re-occupied and the logwood trade resumed. By the Treaty of Utrecht it was agreed that the places in the Indies taken during the war should be restored. The Spanish Ambassador argued that this involved the evacuation of the Laguna de Terminos. But the Council of Trade replied that, as the English had been in possession of it ever since 1669 and before, except for the short period after the Spanish attack in 1680, this could not be so. Moreover, by the Treaty of Commerce following the Treaty of Utrecht the American Treaty of 1670 was confirmed, but with the express stipulation, "without any prejudice however to any liberty or power which the subjects of Great Britain enjoy'd before, either thro' right, sufferance or indulgence." The latter phrase, the Board maintained, established "in as plain and express words as can be us'd or imagin'd," the liberty of British subjects to cut logwood which they had enjoyed without interruption before the Treaty of 1660, as well as a right in the Crown to Laguna de Terminos and the parts adjacent, if it was thought worth while to insist upon it. As to the logwood, the Board emphasised the importance of that trade, not only for its cash value of £60,000 per annum, but also as providing employment for British ships and seamen. In a former preface we have noted its importance in

- supplying dye for the woollen industry. The Board concluded by representing that though the Spanish Ambassador in his memorial had declared that no attack would be made upon British subjects at the Laguna de Terminos till eight months had expired, yet they were attacked and made prisoners that same month, as has been seen in the preceding volume of this Calendar (104 i.).
- The Spanish attack upon British at Laguna de Terminos. At the beginning of 1718 the Governor of the Leeward Islands announced that what he had always dreaded had come to pass. A Spanish man of war and six sloops appeared off Crab Island and demanded its surrender. They then landed and killed several of the inhabitants, and carried off others, with their wives and children and fifty negroes, as well as the Lt. Governor, Abraham Howell, to Puerto Rico. They also seized all the sloops they could lay their hands on, "as they do others in the open sea". Those of the inhabitants who managed to escape to the windward side of the island were saved by sloops that happened to be there, and sought refuge at Anguilla and Spanish Town (442).
- Spaniards raid Crab Island. Governor Hamilton at once sent a demand by H.M.S. *Scarborough* to the Governor of Puerto Rico for the immediate release of those who had been carried thither and for the return of their negroes and effects. At the same time he asserted "the unquestionable right and title of the British Crown to Crab Island (442, 449 iii.). Hamilton's letter was submitted by the Board of Trade to Mr. Secretary Addison, as a matter demanding instant action (557), and the Minister at Madrid was instructed to lodge complaint (563). The Board next laid before Mr. Secretary Craggs Hamilton's request for further directions, he having done, in regard to the Governor of Puerto Rico, all that he was empowered to do by his Instructions (582). Further accounts were received from him of seizures by the Spaniards of British sloops off Tortuga and whilst turtling off Crab Island and Sta. Cruz (692, 692 vi.-viii.).
- Restitution demanded. Other British ships seized off the Virgin Islands. Lt. Governor Howell released.
- Lt. Governor Howell at length succeeded in obtaining his release from Puerto Rico, through the intercession of the Agent of the Asiento Company there, and made

his way to St. Kitts in a Jamaican sloop. He brought news that the Spaniards were fitting out an expedition at Vera Cruz and Havana to attack the Bahama Islands. A small raid was in fact made (737, 737 iv., v., vii., 797, 807). Evidently a state of almost open naval warfare was being waged by the Spaniards against British vessels in the West Indian waters, and would not be much longer endured.

Spaniards
raid
Bahama
Islands.

Address by
Assembly of
New York.

However much within their rights the King of Spain and Alberoni might be in their determination to exclude British merchants from trading with Spanish ports, the methods pursued by the *guarda costas* and Spanish Governors in the West Indies were such as no sea-going nation could be expected to tolerate. In addition to the cases above mentioned, the Assembly of New York in Oct., 1718, requested the Governor to represent to the King that a sloop belonging to the Mayor of that City had been taken on her voyage, carried into Puerto Rico and there condemned though "the master had neither directly or indirectly traded in any port belonging to his Catholick Majesty or with any of his subjects." Other New York vessels had been seized on their voyages to and from the West Indies with nothing but the produce of British Plantations on board. It was stated that privateers were fitting out at Puerto Rico in order to capture British vessels passing that way, a situation which would paralyse the New York trade in provisions for the West Indies (738 v.). When therefore news arrived of Sir George Byng's victory over the Spanish fleet off Cape Passaro, it was received with pleasure, for, as Governor Hunter observed "they have been making war upon us of a long time" (738, 807). In the mean time Alberoni's endeavours to recover for Spain what she had lost by the Treaty of Utrecht resulted in the formation of the Quadruple Alliance and declaration of war, 16th Dec., 1718. A man of war was despatched with instructions for the Governors of Plantations at this crisis (780, 791, 803, 804, 814).

New York
vessels seized.

War with
Spain.

Instructions
to Governors.

Description
of Spanish
West Indies.

In this connection there is noted here a description of the Spanish West Indies, which was written by the chief Pilot of the Spanish Flotas in 1718. It includes

an account of shoals, currents and coasts of the Spanish West Indies and Bay of Mexico, and also of sailing directions, of considerable interest still, and of great practical importance at the time (1740) when it was translated and presented to the Duke of Newcastle (820). The Spaniards guarded the secrets of navigation with the most jealous care. It will be remembered what great importance Admiral Anson attached to the charts and sailing-directions which he found on board the Manila galleon captured by the *Centurion* in 1748.*

Increase and
depredations
of pirates.

Pirates of all nationalities continued to increase in numbers. Their depredations had a paralysing effect upon commerce. Jamaican merchants had to await convoy by a man of war. Those who took the risk and attempted to run what practically amounted to a blockade, were almost inevitably plundered. " 'Tis with great hazard that ships come to us, which has occasioned a great scarcity of all sorts of provisions," wrote a Governor of Jamaica in August, 1717. " There is hardly one vessel," wrote another a year later, " coming in or going out of this Island that is not plundered " (54, 522, 566). A list of some of the chief pirates and an account of their brutalities is given by the Lt. Governor of Bermuda, to whom they sent word that they intended to seize his government and use it as their headquarters, like a second Madagascar, instead of their present rendezvous in the Bahama Islands. There their strength and impudence was such that they ordered H.M.S. *Phoenix* out of the harbour at Providence Island (551, 551 i.-x.). Carolina, like Jamaica, reported that hardly a ship goes to sea but falls into their hands. Trade was brought to a stand-still, and the port of Charleston was blocked by pirates lying off the bar. By threats of murdering their prisoners and burning the town about his ears, they compelled the Governor to supply them with a chest of medicines (556, 660). The Governor of New England wrote in the same vein : " The pirates continue to rove on these seas ; and if a sufficient force is not sent to drive them off, our trade must stop " (575). The Governor of the Leeward Islands was prevented

Trade
paralysed.

*Anson's Voyage Round the World, Ch. viii.

from making his intended visit to the Virgin Islands until he learned that the pirates who swarmed there had left for the North American coast. Even so, on his return, the appearance of pirates in strength off St. Christopher caused the inhabitants, in alarm for the Governor's safety, to impress and man a sloop, in order to reinforce the small warship, which was quite unfit to cope with them (134, 298, 298 i.-iii., 797, 797 i.-vi.). Similarly, Governor Hunter was delayed in making his departure from New York by "the pirates being busy on this coast" (553).

Remedies
proposed,

and adopted.

The remedies proposed for this state of things from all quarters were an increased naval force to police the seas, and a promise of pardon to all pirates who should surrender within a given time. The attention of Ministers was again drawn to the seriousness of the situation at the beginning of this period by the Board of Trade. In Sept., 1717, Addison announced that it had been decided to put both the proposed measures into force. Additional men of war were ordered to the West Indies to suppress the pirates, whilst a Proclamation offering pardon to those who should surrender was being prepared (1, 1 i., 5, 5 i., 64). Steps were also being taken for driving them out of their nest in the Bahamas by naval reinforcement of the expedition under Capt. Rogers (64, 471). Shortly afterwards, the House of Commons called for a return of all papers and orders on the subject (393 i., 400).

House of
Commons
calls for papers.

Proclamation
offering
pardon.

The proclamation promising pardon to all pirates who should surrender before Jan. 5th, was prepared by the Law Officers of the Crown in consultation with the Council of Trade (1, 1 i., 9, 64). Several questions were at once raised concerning it, and were answered by the Attorney and Solicitor General (181, 187, 187 i.-iv., 201). The notorious Henry Avery (or Every, *alias* Bridgman) had been previously excepted, but the offer of pardon was now without restriction (9, 201). As the Proclamation contained a promise of pardon only it was at first suggested that it would be necessary for Governors to be instructed to grant it to those who surrendered. Goods piratically taken by them would

Governor's
Commissions
for granting
pardons.

Effect of the
Proclamation.

remain the property of the original owners, and might be recovered by them (201). On further consideration, however, it was decided that an Instruction to Governors would not suffice, but that Commissions under the Great Seal must be issued (390, 466). In the absence of such power, the Lt. Governor of Bermuda and the Commander of H.M.S. *Phoenix* issued certificates to such as surrendered to them on the publication of the King's Proclamation (345, 345 i., 384). For at first a considerable number did so, including some of note, such as Hornigold and Jennings. A certain number of these had been forced to turn pirates against their wills, when their ships were taken. Amongst them were some who retook their ship in dramatic fashion (551). The first tidings of the pardon were received with great joy, we are told, by the community of pirates, numbering 6 or 700, at the Bahamas (345, 345 i-iii., 447, 474, 556). But their first enthusiasm cooled down when they found that Governors had not yet any power to grant the promised pardon, and that it did not assure to them the enjoyment of their ill-gotten gains. They declared that they would not surrender, if surrender involved the loss of the effects for which they had risked their necks (474). In Virginia, Howard, the Quartermaster of the infamous "Blackbeard," Teach, had the impudence to commence a suit against the officer who, by the Governor's command, had seized two negroes whom he admitted he had taken out of two ships (800). The Board of Trade therefore asked what instructions should be given to Governors with regard to such stolen goods, and they urged the dispatch of commissions to the several Governors (539, 580). On 28th July, 1718, commissions for pardoning pirates, and extending the time limit for their surrender till 1st July, passed the Great Seal, and were ordered to be dispatched by the earliest opportunity (594, 638-642, 803).

Pirates
revert.

After the first flush, the results of the offer of pardon proved disappointing. Hornigold, indeed, in the Bahamas not only surrendered, but even took command of a sloop and sailed in search of Vane (737). But the majority of those who gave themselves up did not make

good. They soon reverted to their old way of living. From all sides came reports that they were "returning to the sport" or going out again "on the account" (551, 556, 657, 660, 797). This caused no surprise to Governor Hunter. For it had been found by experience at New York that, as soon as their money was spent, such men usually relapsed into their former ways, partly because nobody was willing to employ them, and partly because it was an easy method of earning a livelihood (660). There is also a plain hint from the Secretary of State that gratuities were being exacted by those in authority for granting pardons or issuing certificates of surrender, and that such exactions had hindered the flow of surrenders (803). In Carolina it was thought that the offer of pardon had proved an actual encouragement to pirates. There they came in, took their discharge and probably deposited some of their effects, and then, after a brief holiday, reverted to their old course of life. Their number was reported to have increased threefold since the publication of the Proclamation. Many of the pirates were old privateersmen, who found themselves out of employment in the intervals of peace. When war broke out with Spain, they would be ready enough to take up their old and more legitimate occupation on one side or the other (660). The Council of Trade therefore proposed an extension of the time allowed for their claiming the pardon, because it was feared that, otherwise, they would enter into the service of Spain (780).

Commissions
for trying
pirates in the
Plantations.

The Act *for the more effectual suppression of piracy* had been renewed by subsequent acts. But the commissions for trying pirates in the Plantations, issued under King William III and Queen Anne, had determined with the recent demise of the Crown. As pirates were now reported to have been seized in Bermuda and New York, the Council of Trade suggested that such commissions should be renewed (91, 580). This was done, but the dispatch of them was for some reason held up, possibly to avoid confusion with the extended offer of pardon (338, 403-405, 483, 594). They were not sent out until nearly a year later, after a further

Trials under
the old
Commissions.

representation by the Council of Trade, on the occasion of the declaration of war with Spain (703, 803). In the mean time Governor Shute at Boston had held trials of eight pirates, apparently under the commission issued to the Governor of the Massachusetts Bay by her late Majesty (193, 419, 575, 575 i., 656, 658). Spotswood, too, in Virginia, in spite of protests from some of the Councillors, tried a pirate under the Commission of William III, and the extended pardon only arrived just in time to save his unworthy neck from the gallows (800).

Capture of
Pirates.

But you must first catch your hare. Pirates, before being tried, had to be captured. Efforts in that direction were not altogether unsuccessful, in spite of the great numbers and heavy armaments of "these vermin." We have seen that men of war had been ordered to the West Indies, and that in Hornigold a thief was set to catch a thief (64, 737, 807). Among the Leeward Islands the guardships *Scarborough* and *Seaford* were active (298, 298 i.-iii.), the capture of a French pirate by the former leading to a dispute with the Governor of Barbados as to the disposal of the ship and cargo under an order of the Admiralty Court at St. Christopher (742). The Governor of Jamaica, however, complained that the men of war on that station were largely concerned in trading with the Spanish Main on their own account. This complaint, when communicated to the Admiralty, occasioned a repetition of their instructions to the Commodore to see that Commanders of H.M. ships did not carry merchandise on any account, but should use the utmost diligence in cruising against pirates (566, 685, 686, 688).

Captain Woodes Rogers arriving at Providence Island in July, 1718, to take up his new government of the Bahama Islands, found Charles Vane in command of the community of pirates there (737). Rogers was accompanied by the men of war, *Milford* and *Rose*, and the *Shark*, sloop. Their orders were to assist in putting the Governor in possession of Providence I., and to relieve the guardships on the Barbados and Leeward I. stations, "when the pirates in the West

Indies are supprest.” (*Admiralty*, 8/14.) The *Rose* arrived at Nassau the evening before Rogers, but was obliged to cut her cables and run out at night, owing to Vane’s having set fire to one of his prizes in the harbour. Next day, however, on the arrival of the remainder of the expedition, the pirate captain was obliged to make his escape, “wearing the black flag and firing guns in defiance.” After lying off the bar of Charleston harbour and capturing ships trading with Carolina, Vane visited the coast of Cuba and then took shelter with his prizes near Abacoa, where some of his friends from Providence traded with him (730, 737). At Rogers’ earnest request, Commodore Chamberlain had left H.M.S. *Rose*, Capt. Whitney, with orders to remain three weeks. Whitney refused to prolong his stay beyond another week. Rogers was therefore not only compelled to refrain from attacking Vane, but also had good grounds for fearing that the pirate would now make an attack, and that, if he did so, he would be supported by his old friends ashore. Vane, indeed, sent word to the Governor that he intended to attack him, and to burn his guardship in return for his former affront in sending two sloops after him, instead of answering his letter (737, 807). Vane had been expecting to join forces with Major Stede Bonnet, a Barbadian, or some other pirate, in order to attack Rogers (737). But Bonnet’s activities were brought to an end just at that time (Nov., 1718). After surrendering with Teach, when wrecked in N. Carolina, he had taken to piracy again, and was refitting in Cape Fear River whilst Vane was plundering vessels off Charleston harbour (800). The Governor of South Carolina fitted out a couple of sloops under command of Colonel Rhett to attack the latter. But being unable to find Vane, Rhett went after Bonnet into Cape Fear River. Bonnet endeavoured to escape, and in the course of the chase all three sloops went aground at low tide.

Stede Bonnet
captured.

Rhett’s sloop lay within shot of the pirates, and for six hours they engaged in a hot musketry duel. But when the tide turned, the rising water set Rhett’s sloops afloat before it reached Bonnet. Having thus secured

the advantage in manoeuvring, Rhett prepared to board the pirate, who therefore surrendered (730, 787). In announcing this success, Governor Johnson and the Council of South Carolina begged the Council of Trade to help them in obtaining a man of war to protect their harbour, which the pirates sometimes blocked up for eight or ten days together (556, 660, 730). They also expressed their apprehension lest their victory over Bonnet would "very much irritate the pirates who infest this coast in great numbers" (730). These fears were justified, for the harbour was promptly blocked again by pirates, who took several ships in sight of Charleston (787). The Governor, however, again rose to the occasion, and fitted out several vessels, which succeeded in capturing a pirate ship and sloop, after killing 26 men, including their leader, Worley.

Worley
killed.

One of the pirates who appeared off Charleston, and besides plundering trading vessels, compelled the Governor to send him a chest of medicines, was Teach, *alias* Blackbeard. He commanded a ship of 40 guns and 3 sloops, carrying 400 hands (551, 556, 660). Like Vane, he was said to have committed many atrocities (551, 551 i.-x.). Teach had been hunting in company with Bonnet, Kentish and Edwards, seizing and burning ships off Guadeloupe and St. Christopher (298, 298 i.-iii.). On leaving Charleston in June, 1718, he sailed northwards, and entering Ouacock Bay, ran aground, and lost his ship and two of his sloops. He thereupon surrendered to the Governor of North Carolina (657, 800). On hearing of this, Lt. Governor Spotswood in Virginia, having no great confidence either in the forced submission of men of that character, or in the integrity or power of the Government of North Carolina, issued a Proclamation forbidding surrendered pirates to carry arms or assemble in numbers (July, 1718. *Nos.* 657, 657 iii., 800). He explained that he was afraid that as soon as their money was spent, they would seize some vessel and return again to their old trade (657). This was what happened. Bonnet, as we have seen, was soon out again, whilst Teach, keeping his crew together in North Carolina, "went out at pleasure committing

Teach, *alias*
Blackbeard.

robberys upon this coast" (800). Spotswood was determined that the pirates should not be permitted, through the weakness or connivance of the Government of North Carolina, to gather strength and establish a rendezvous at a spot so dangerous to Virginian shipping as Ouacock Inlet. He persuaded the Assembly to offer rewards for the apprehension or destruction of pirates, and to put a heavy price on Teach's head. But he did not dare to communicate the plan he had devised either to the Assembly or to the Council, for fear Teach should be informed of it, "there being in this country, and more especially among the present faction, an unaccountable inclination to favour pyrates," as was shown by the refusal of the inhabitants to assist in disarming and suppressing a gang of pirates who, in defiance of the Proclamation, marched under arms through Virginia and endeavoured to induce sailors to join them. In secret, therefore, he approached the Captains of the men of war on that station and communicated to them his project of destroying that nest of pirates. When they explained that their ships could not negotiate the shallow and difficult channels of Ouacock, he hired two sloops which they manned with two naval officers and 55 men. They found and boarded the pirate sloop. But Teach made a stout resistance, in the course of which that desperate ruffian and nine of his crew were killed. The pirate captain had heralded the fight by draining a bowl of liquor and crying "Damnation to anyone who should give or ask quarter." Then he raked the approaching sloops with his great guns loaded with partridge shot, inflicting serious loss on the unprotected sailors, and himself sprang onto the deck of the first sloop which came alongside to board his. He had given orders for his sloop to be blown up, if he should be overcome. But the negro who was about to set fire to the powder was stopped by a planter who had been taken prisoner the day before, and lay in the hold during the action. Of the King's men, eleven were killed and twenty-three wounded (800).

Teach killed
after a
desperate
fight.

Moody and
England.

Moody, England and Frowd, however, continued their depredations off Carolina and the Leeward Islands

unchecked, drawing supplies from the Danish port of St. Thomas, which is described as “ a nest that harbours all villains and vagabonds,” and using Sumana Bay, Scots Bay and the Island of Mona as places of rendezvous (797, 797 i.-vi.).

Naval
Stores.

It will be remembered that in March, 1717, the Council of Trade had laid before the King a comprehensive report upon the question of encouraging the importation of Naval Stores from the Plantations (C.S.P. 1716-17, *pp.* xv., xvi.). At the beginning of 1718 Mr. Joshua Gee and other merchants applied to Parliament for the grant of a premium on unmanufactured iron imported from the Plantations. This the Council of Trade had recommended in their representation. Nothing was decided, but the Board had hopes of success in the ensuing year, and stated their determination to continue their support of that policy (450). In the mean while the Commons asked that a report by the Council of Trade upon the whole question of naval stores should be laid before the House (328, 328 i.). The Board at once proceeded to collect more statistics (381, 386, 386 i., 387). At the same time the Commissioners of Customs drew attention to certain frauds which were being practised in those commodities on which a premium had been granted (382). Tar was being diluted with water and pitch mixed with sand, a method of business which reminds one of a famous cargo of wooden hams at a later date. The Council of Trade therefore issued a circular letter to Governors warning them that such abuses would bring American pitch and tar into disrepute, and instructing them to give directions for maintaining the good quality of their exports (416, 419). Spotswood, who had been disgusted at the success of the agitations which had secured the repeal of the acts for regulating the tobacco, fur and Indian trades in Virginia, prophesied great difficulty in obtaining one to prevent frauds in this. That part of the electorate which was most concerned, he said, valued the reputation of their commodities in the British market as little as their own in Virginia (699).

Joshua
Gee's report.

In pursuit of their study of the question, the Council of Trade obtained a report from Mr. Gee. He stressed the danger of allowing the country to be at the mercy of the King of Sweden for its supplies of iron and timber. The import duties on timber, boards, pipe-staves and copper were, he asserted, preventing the Plantations from supplying the British market with those commodities. The removal of those duties in favour of the Plantations would be a sufficient encouragement, and thus make Great Britain independent of the supplies at present drawn from Norway and Sweden. She would pay for them by her manufactures instead of exporting gold to the Eastern countries. He emphasised the advantage that would be gained for British shipping by having this additional freight for homeward-bound voyages from America. And he was able to point to the success which had attended the granting of a premium upon tar imported from the Plantations. For not only had the price of Swedish tar been greatly reduced, but also the monopoly of the Stockholm Company had been so successfully invaded, that large quantities were being exported from Great Britain to Europe. As to iron, the quality of the American ore had been proved to be excellent. But the erection of iron works was a chargeable undertaking, and the mere removal of the import duty would scarcely suffice to induce people to invest the necessary capital in such enterprises. He therefore proposed that a premium should be granted on unmanufactured iron made in the Plantations, and that in return, and to safeguard British manufacturers, all such iron should be imported directly to England, "so that the Plantations may have their supplies of iron and iron manufactures from England as they now have" (819). The Board of Trade, on the last day of the year, invited the Chancellor of the Exchequer to confer with them on the subject (815).

Pressing of
Seamen.

The Board of Trade laid before the Privy Council a suggestion from the Governor of Barbados that Governors should be permitted to press seamen in emergencies. But they had little hope that the Act *for the encouragement of the trade to America* would be altered in that sense (471).

Agitation
against
Posts in
Virginia.

Right of
Parliament to
tax the
Colonies
challenged.

Posts had already been established in the Northern Plantations between Boston, New York and Philadelphia, by the Post-Master General, in pursuance of the powers granted him by the Act of IX Queen Anne. But when he now began to establish a fortnightly service from Williamsburgh *via* Maryland to Philadelphia, objections were raised in Virginia. Fixing the rates of postage, it was maintained, was equivalent to imposing a tax, and the right of Parliament to impose a tax without the consent of the General Assembly was denied. But in a bill passed by the Council and Assembly this fundamental principle was abandoned, so far as the Post Office act was concerned. Whilst acknowledging the act to be in force in the Colonies, opposition to the Post-Master General of America and the Deputies appointed by him was concentrated on imposing such penalties, provisoes and exceptions as to render the establishment of the posts impossible. Spotswood refused his assent to the bill. But it remains important as showing that the principle of taxation for revenue by Parliament was recognised as being raised, and was so far conceded (568).

A Patent for
Sturgeon.

Protest from
New England.

Petitions from several merchants for the sole right of curing sturgeon in America and importing them into England were considered (149, 149 i., 165 i., 222, 222 i. *etc.*). A protest against any such monopoly was entered by the Agent for New England as "contrary to the natural and common rights of His Majesty's subjects" (354).

The Council of Trade rejected the application of English petitioners whose claims to have been at much labour and expense in perfecting the art of curing sturgeon they found to be baseless. But they recommended the grant of a monopoly to John Boreland, a Boston merchant, in order to encourage such curing and importation from the Plantations. Boreland had already made experiments in this direction, and undertook to import sturgeon from North America within four years which would be as good as that which came from Hamburgh and the East Country. His patent was to be granted for eight years only at first, and to be terminable at the end of four (480).

Foreign
Trade.

With regard to the prohibition of foreign trade, the Council of Trade thought it necessary to explain the instructions of the previous summer (*v. C.S.P. 1716-17, p. ix.*). By the Act of Navigation no foreign ships were allowed to trade with the British Plantations. But there was no law forbidding British ships from trading to or from foreign Plantations. Only it was agreed to prevent it by the Treaty of Peace and Neutrality. Governors were to discourage such trading, but ships which did so could not be confiscated, nor their cargoes (227, 588). Prevention of such trading, however, was, as the Governor of the Leeward Islands observed, no easy matter without a complete system of sloops to act as coast-guards about the numerous bays of the islands (134). The further question arose, whether any goods not of European growth or manufacture might be imported into the Plantations in English ships from anywhere but Great Britain. This question was put to the Attorney General (636).

Policy of
Imperial
Preference.

The Council of Trade expressed their agreement with the suggestion of Lt. Governor Keith (who had been Surveyor General of the Customs in America), that a much higher duty ought to be laid in all the British Plantations upon imports from foreign Plantations than on those from the British Empire, "so as to encourage as much as possible the commodities of our own Plantations" (227, 450). Mr. Cumings, it will be remembered, had in 1716 proposed a duty equivalent to the $4\frac{1}{2}$ p.c. by which the British Sugar Islands were handicapped (*v. C.S.P. 1716-17, pp. ix., x.*).

§ 2.

THE AMERICAN COLONIES.

South Carolina.

In March, 1718, the Committee of the Assembly of South Carolina wrote to their Agent giving reasons for fearing a renewal of the Indian war. Colonel Hastens, who had been sent to make peace with the Southern Indians, and had been left as a hostage with them whilst a deputation of Creeks went to Charleston to negotiate,

Renewal of
Indian War
feared.

was murdered together with nine white men, women and children. The intentions of the Cherokees and Cuttabas appeared doubtful. It was reported that they had made peace with the Creeks. The French had posted garrisons amongst the Creeks; and there were grounds for believing that, encouraged by the French and Spaniards, "the whole body of Indians all round us are plotted against us." The Assembly repeated their appeal for relief from the Crown; otherwise, these perpetual hostilities with the Indians and the pressure of taxation to pay for measures of defence would cause an exodus of the inhabitants to the Bahamas, as soon as Capt. Rogers arrived in his new Government (423, 556). A similar account of the situation having been forwarded to the Council of Trade by the Lieut. Governor of Bermuda, the Board once more enquired of the Lords Proprietors what they had done or intended to do for the security of the Province (384, 486, 504 i.). Later, the Governor of Virginia reported raids by the Northern and Tuscarora Indians in North Carolina and an attack by them intended to cut off the new seat of Government, which was beaten off within half a mile of the Governor's residence (699). The fears aroused by the progress of the French and the (improbable) rumour of an intended attack by them upon the Cherokees has been mentioned above (238; § 1. *p.* viii.).

French
encroachments.

Renewed
appeal for
resumption
to Crown.

The desperate condition of the Province, added to the irritation caused by the combination of interference and neglect on the part of the Proprietors, occasioned a renewal of the appeal from the inhabitants to be taken under the immediate protection of the Crown. In soliciting a report upon the necessity for resuming the Charter, and the presentation of the Address to this effect by the Assembly and inhabitants of South Carolina, the Agent drew attention to the fact that it was now signed by the Assemblymen and 568 others, that is, by more than half the inhabitants of the Province. This was the best answer to the assertion of the Lords Proprietors that the demand was merely factious, and the work of a party (536, 536 ii.; *Cf.* C.S.P. 1716-17, 536 ii., *p.* xxii.). The Council of Trade were ready enough

Supported by
the Council
of Trade.

to support this application. In forwarding the Agents' memorial (423), to the Secretary of State, they repeated their previous suggestions that steps should be taken "for resuming this and all other Proprietary Governments into the hands of His Majesty, since it is evident they cannot support or protect themselves, and that any misfortune happening to them must in consequence affect the rest of His Majesty's Dominions on the Continent of America" (525). A fortnight later they expressed the daily increasing conviction of the "great inconveniences that do arise from the erecting of Proprietary Governments" (543.)

Acts for
encouraging
settlement of
Yamasee lands
repealed.

The Proprietors having withdrawn their prohibition of the settlement of lands between the Cambahee and Savannah rivers (C.S.P. 1716-17, 72, 413 i.), the Assembly had passed two acts for encouraging the seating of the Yamasee lands (C.S.P. 1716-17, 413 i.). By them advantageous terms as to grants and quit-rents were offered to Protestant colonists from the British Dominions. But in the autumn of 1718 the Lords Proprietors instructed the Governor and Council that no more lands must be surveyed and granted without permission from their Board. The reason advanced was that the old abuses of exorbitant grants and failure to keep accounts of quit-rents were being repeated. They demanded an exact return of such grants and rents (694-696). They thanked Col. Rhett for his efforts to obtain such a rent-roll (697), and repealed the two acts above mentioned as being an encroachment by the Assembly upon their rights and property (631, 632). Whilst one of these acts had offered a bounty on white servants imported, provided they were not Roman Catholics, native Irish, or persons of evil character, another was passed laying a duty on negroes imported (660). The intention, evidently, was to redress the balance between white and black.

Paper money
and the
Tax Act.

In accordance with the instructions given by the Lords Proprietors to Governor Johnson, an act, known as the Tax act, was passed for raising money to sink the bills of credit which had been issued under the Bank Act. It was represented to the Proprietors, however, by

London merchants and others, that the Assembly were designing to elude the provisions of this Tax act, and to issue more paper money. They therefore instructed the Governor not to give his consent to any measure for evading the Tax act, and not to permit the creation of any new bills of credit without their consent. The same restriction was applied to the proposal to make commodities legal tender at a fixed price (660, 687).

Goods as
legal tender.

Act laying
duty on
British goods.

Great objection was made to another device of the Assembly for raising money to pay for the Indian war without taxing their estates. This was a duty of 10 p.c. upon all British manufactures imported. Col. Rhett, the Surveyor General of Customs, represented that such an import would not only be a burden upon British merchants, but also encourage illegal trade in foreign goods and stimulate the colonists to set up manufactures of their own, "which they have for some time past aim'd at, and endeavoured to effect and are capable to do, having wools in great plenty" (452 i., 660). Upon this the Council of Trade consulted the Solicitor General, and elicited from him an opinion that such a heavy burden upon British trade was not consonant to reason and by no means agreeable to the laws of Britain, as the terms of the Charter required (463, 489). The Lords Proprietors, however, stated that the act had not been submitted for their approbation, and that they did not know of its existence (505). The Council of Trade therefore suggested that they should be instructed by the Crown to send their disallowance of the act at once to Carolina, with directions to the Governor never to assent to a similar law in the future (514). This they were required to do by an Order in Council, and, in addition, to reprimand Governor Johnson for having given his consent to so illegal an act (537, 631).

As a sign of their good-will, the Lords Proprietors had empowered Governor Johnson to announce to the Assembly upon his arrival in the Colony their gift of all arrears of money due from lands, and of future quit-rents till May, 1718. But there was a pill concealed within this gift. For it was decreed that thereafter, to atone for the depreciation of the paper money, £12

Acts asserting
right to
appoint
Receivers
repealed.

New Assembly
ordered.

Indian Trade
Act and
Election Acts
repealed.

instead of £3 per 100 acres must be paid for grants of lands. A rent-roll must be prepared, and the rates of foreign coins laid down by the Act of Parliament observed (632). The Assembly had assumed the right of appointing the Receiver General of the Province and the Receiver of the powder duty. In spite of the Governor's opposition, they had passed two acts asserting this right. These acts the Lords Proprietors also repealed, as well as the Indian Trade Act and two acts regulating the elections etc. (631, 632). At the same time they directed the Governor to dissolve the Assembly and summon a new one (632). Against the act for regulating the Indian trade petitions had been submitted, complaining that it instituted a monopoly, like the Virginian Indian Company Act, the repeal of which had been ordered (631). It was also alleged that the Indians themselves objected to it, and that its restrictions would involve the loss of their trade (660).

The act entitled *to keep inviolate the freedom of elections etc.* and an explanatory act of the same, which were repealed, revised the distribution of seats in the Assembly, the qualifications for voters and members and the arrangements for elections. It was aimed chiefly at the political predominance of Charleston, where hitherto elections had been exclusively held, and where the influence of the Proprietors and their officials was paramount.

The Lords Proprietors concluded their letter to the Governor and Council announcing these decisions by remarking that as the Assembly had not accepted what they had offered, and their behaviour appeared to indicate that they needed no assistance from them, their proposed donation would be withdrawn. The request for salaries for the Council they were unable to meet except by suggesting that the Council and Assembly should provide means for the support of the Government and paying themselves (632).

Exports of
tar, etc.

In spite of the disturbed condition of the Colony, it could boast of an export of no less than 35,000 barrels of tar, pitch and turpentine in 1717 (787).

Margravate
of Azilia.

In recommending the proposal of Sir Robert Mountgomery for his "new-intended settlement of Azilia," (v. C.S.P. 1716-17, p. xxii.), the Council of Trade followed the suggestions of the Attorney General (360 i., 424, 459, 493). Mountgomery's grant from the Lords Proprietors extended to the southern extremity of Carolina, and was intended to be a separate province, independent of South Carolina. Mountgomery urged in its favour that the produce that could be raised there, such as wine, olives, almonds and currants, were at present imported entirely from foreign countries, and that the new colony, reaching to the north coast of the Bay of Mexico, would act as a buffer between the Spaniards and enemy Indians and the northern Plantations. It would enable us to check the encroachments by the French from their new settlements on the Mississippi, and serve as a good jumping off ground for a new settlement on the River Apalachia (389). This suggestion of a forward policy south and west was approved by the Attorney General and the Board. But the former was doubtful whether the Lords Proprietors of Carolina had the power to divide their Government and to constitute a new province independent of the laws of South Carolina. Both agreed that in any case the erection of a new Proprietary government was undesirable. The Board emphasised the objection that some of these Charter Governments were not obliged to submit their acts for the approbation of the Crown, and took advantage of that liberty to make laws "prejudicial to the trading interest of this kingdom and of the other Plantations." They therefore proposed that the Lords Proprietors should surrender to the Crown their powers of government in the new province, retaining the property of the soil only, and that the king should then establish a suitable form of government, with Sir Robert as a royal Governor (459, 493). Mountgomery himself presently applied for permission to organise a lottery in Scotland, in order to obtain funds for his venture (671 i., 684).

Application
for a
Lottery.

Pirates.

Engagements with the pirates who had terrorised Charleston and paralysed the trade of South Carolina are described in § 1 (660, 730, 787).

Governor of
Hudson's Bay.

Capt. Henry Kelsey received a Royal Commission as Governor and Commander in Chief of Hudson's Bay, to do what he should judge necessary "for Our service, the advantage of the said Company and the increase of the Beaver Trade" (793).

Maryland.

The only documents of interest relating to Maryland are two undated charges against Governor Hart of being concerned in illegal trade and encouraging Jacobites and Papists (288, 289).

New England.
Governor
Shute's
report.

In reply to the queries of the Council of Trade, Governor Shute announced, in November, 1717, that he had visited the forts in both the provinces under his government, and found them in a bad state of repair. Both Massachusetts and New Hampshire were much in debt owing to the cost of the Indian wars. He proposed that emigration should be assisted by offering to masters of ships 40s. per head for emigrants transported by them, and that the duty on lumber should be taken off. Some measures of relief were necessary because exports were so far in excess of imports (some accounts of which were rendered, 85, 85 i., 330, 620 i., 700), and the balance of trade was so much against them, that the value of their paper money, which had driven out all other currency, was continually falling. One of Shute's first acts had been to assent to a further issue of bills of credit for £100,000. This device to avoid taxation was, in fact, having its inevitable result (193). In a later report, he rendered an account of the revenues and establishments of the two provinces (700, 700 iv., v.).

Discount
of paper
money.

Report on
lands between
Nova Scotia
and Maine.

In reporting upon an application for a grant of the lands between Nova Scotia (*v. infra p.* xlvii.), which were claimed by the Massachusetts Bay, the Board of Trade made mention of a proposal by the Agent of that Government to surrender to the Crown that portion of the lands in question which lay between the rivers Penobscot and St. Croix, in return for the recognition of their right to the lands between Kennebec and Penobscot rivers. Their comment is instructive. The Board deprecated the entering into any contracts with Proprietary Governments, or doing anything to confirm their claims, because they were daily more and more convinced of

the inconveniences arising from such Governments, “ who generally are not able to defend their own lands.” Whilst admitting that the Massachusetts Bay was not liable to this stricture, they adopted the narrow view of British merchants by adding that “ we cannot but observe that the people of New England do in many occasions interfere with the trade and benefit that should only accrue to the Mother Kingdom ” (543). One such trade was the woollen industry, the development of which was restricted by the act which prohibited the export of wool from one Colony to another. Mr. Cumings reported that this act was evaded, but with so much secrecy that it was difficult to gauge to what extent. But as the woollen manufacturers in the Colonies depended upon its evasion, seizures of such wool would only be condemned if tried in the Admiralty Courts, because in the Courts of Common Law both judges and juries were generally parties concerned. The Council of Trade then began to enquire whether a bounty upon wool exported from the Plantations to England for manufacture there might not solve the difficulty (85, 418, 620).

Governor Shute held a conference with the Eastern Indians at Arrowsick and concluded a new treaty of peace with them (193). Before the end of the following year, however, he had to report that they had become very insolent, through the instigation of the French Jesuits among them, but he still hoped to prevent a war (700). The question of French aggression and of the trials of pirates are mentioned in § 1 (193, 700).

The Assembly pursued its policy of cutting down the salaries of officers in an Act abolishing certain fees hitherto allowed to the Secretary. Mr. Willard asked for the repeal of this act, on the grounds that it repealed existing ones, and left the most troublesome business in the Secretary’s Office to be done without reward, when his salary was already “ so scandalously small, as not to amount to more than £40 sterling ” (274 ; *cf.* 284).

As a moderate Church of England man, who would identify himself with neither Congregationalists nor Episcopalians, Governor Shute was giving satisfaction

Jealousy of New England trade and fishery.

The woollen industry.

A bounty upon wool exported, considered.

Treaty with Eastern Indians.

French intrigues.

Trials of pirates. The Assembly and Crown Officers.

Governor Shute and Elisha Cooke.

The King's
Woods.

to neither party. Vehement opposition to him was led by Elisha Cooke. His violent abuse of the Governor, whom he described as being under the influence of Dudley, led to his dismissal from the office of Clerk of the Superior Court. The lumber trade was growing rapidly. Saw-mills were being erected everywhere, especially on the frontiers of New Hampshire and in the Province of Maine. Whilst by the Charter the inhabitants were permitted to cut trees within their townships, the woods without were reserved to the Crown, and only such trees were allowed to be cut as were not marked for the use of the Navy. Cooke seized upon this situation for a campaign directed against the royal authority and officers appointed by the Crown. Arguing that the Province of Maine had been granted to Sir Ferdinando Gorges and purchased by the Massachusetts Bay, he maintained that the Colony had full title to the woods, and that the General Court could dispose of them as they thought fit. He informed the people that they could cut logs where they pleased, and made violent attacks upon Mr. Bridger, H.M. Surveyor of the Woods. After presenting a memorial to this effect to the Assembly, he subsequently modified, his statement (616, 616 i.-viii., 672). His conduct upon this occasion, and his personal abuse of the Governor led to his removal from the Council (700, 700 i.-iii.). But he was elected Speaker of the Assembly, where he found wider scope for his demagogic activities. It was apparently owing to the representation of the Agent for New England, Mr. Dummer, that Bridger was presently superceded, and Mr. Burniston, an absentee place-holder, with no knowledge of forestry, was appointed in his place (428, 592, 735). On receipt of Mr. Bridger's letter (672), the Treasury enquired what the situation was as to the rights to the woods. The legal adviser of the Board of Trade gave his opinion that Maine was now one with Massachusetts, and not the private property of that Colony; that the Crown was entitled to all the trees therein of the dimensions reserved by the Act of IXth Anne for the Royal Navy, except only on such lands as were granted to private persons before the

Dr. Cooke
removed from
Council.

Mr. Bridger
superceded.

The rights
to the
Woods.

resumption of the Charter of Charles I. With this opinion the Board of Trade expressed their entire agreement, and suggested that it should be communicated to the Council and Assembly of Massachusetts Bay through the Governor, with directions for its observance. In the event of its not having the desired effect, they advised that a *scire facias* should be brought against the Charter (711, 711 i., 741, 744, 755). They also considered the Surveyor's Instructions, and whether any additions were required to the Acts governing them (706).

Bridger
remains and
reports
waste of
woods here

On hearing of his dismissal, Mr. Bridger expressed great indignation and surprise. He represented that, on the rumour of his being turned out, the lumber-men had begun to cut and destroy all before them. If he left his post, many thousands of fine mast trees would be destroyed in a month. He therefore proposed to continue to exercise his office, until he was relieved, and begged for the Board of Trade's good offices in securing him the continuation of his salary (735, 812). That his post was no sinecure, is emphasised by his excusing his bad writing in one letter by the remark that "the weather is so cold I cannot write three words before the ink freezes" (283). Part of the waste of woods and cutting down of mast trees reserved for the Navy in New Hampshire, he attributes to the connivance of the Lieutenant-Governor, Vaughan. On the other hand, complaints came from that Government of the restrictions imposed by him, with the result we have described (428, 592, 738).

and in
New
Hampshire.

Wentworth
succeeds
Lt.-Governor
Vaughan.

Following upon his quarrel with Governor Shute, Vaughan was replaced by John Wentworth as Lt.-Governor (80 ; cf. C.S.P. 1716-17, pp. xxv., xxvi.).

Exports of
timber to
Spain and
Portugal.

The large exports of timber to Spain and Portugal to be used for naval construction by the king's enemies roused the indignation of a patriotic mariner, and the Collector of Customs of New Hampshire, who reported it on the outbreak of war (796, 806 i., 810, 810 i.-iii.).

Three Acts
repealed.

Three Acts of New Hampshire, *for the relief of idiots ; providing for posthumous children ; and against High Treason* were repealed, for reasons given by Mr. West

(599, 615, 627, 674). As to the latter act, which made several alterations in the rules by which traitors could be convicted, to which exception might well be taken, Mr. West represented that it was desirable to keep cases of treason in the Plantations within the Common Law, by which "the Crown has the subjects of those Provinces much more at command than if the English Statutes of Treasons were extended to them." This act of New Hampshire, he added, encroached upon the King's prerogative, and no inducement was offered by that Colony to the Crown in return, such, for instance, as the settlement of the Revenue (615). He also took objection to the Act *for making lands and tenements liable to payment of debts*, chiefly on the grounds that it was badly worded (607).

Objection to
Act for
making lands
etc. liable
for debts.
Command of
the Rhode
Island
Militia.

The Governor of New England visited Rhode Island, and laid before the Council that part of his Commission which appointed him to the command of their Militia in time of war or emergency. The General Assembly declared that this was contrary to their Charter, and refused their consent (700).

New Jersey.
Governor
Hunter
commended.

In response to Governor Hunter's request for a public declaration upon the rumours and complaints against him sponsored by Coxe and his party in New Jersey, he was authorised to make known that the King was well satisfied with his conduct, and that the reports of his dismissal were groundless and malicious (22, 69; *cf.* C.S.P. 1716-17, *p.* xxxii.). Some further correspondence of about the same date (Aug., 1717) revealed how busily Coxe and Bustill were promoting their agitation against him in London, and representing to their supporters in New Jersey that they had influential support from Ministers and others (373, 373 i.-v., 375, 376). They even went so far as to hint at the assassination of Hunter by suggesting that "even Parliament men" were wondering why he did not meet with the same fate as Governor Parke (373 iv., 376). But, strengthened by the pronouncement of the Government in his favour, the dismissal of the objectionable Councillors, the elimination of Coxe and his friends from the Assembly, and the approval by the Council of Trade

Coxe's
agitation
in London.

Tranquillity restored. of his reply to the Traders' memorial (344 ; cf. C.S.P. 1716-17, pp. xxix.-xxxii.), Hunter was able to report that the Province was at last enjoying complete tranquillity. The Assembly was perfectly amenable, and promised to settle a revenue for a longer period (520, 520 i.-iii., 738). The accounts showed a balance on the right side (651).

Act repealing Act for ascertaining place of sitting confirmed. The Act repealing the act for *ascertaining the place of sitting of the Assembly* was confirmed in accordance with Hunter's representations (248, 254, 344, 378 ; cf. C.S.P. 1716-17, pp. xxix.-xxxi.), as also the Act that *the solemn affirmation of Quakers be accepted instead of an oath etc.* This act, by which Quakers were permitted to serve as jurors, even in criminal cases, on affirmation only, and to hold offices, extended to them greater indulgence than they received in England. But the Council of Trade recommended it on the grounds that it was represented to be " absolutely necessary for the strengthening the hands of the Government there " (253, 267, 326, 344, 378. Cf. C.S.P. 1716-17, p. xxix.). A petition was presented praying that the subject should be re-opened before the Order in Council confirming the act was issued. Mulford figures among the signatories. The Council of Trade reported that the Order had gone out nearly three months before the petition reached them, and that, till then, no objections to the Act had been presented (445, 445 i.-iii., 558). At the same time they reminded Hunter that Lt. Governor Ingoldsby's commission for New Jersey had not been revoked at the same time as his commission as Lt. Governor of New York, and therefore challenged his statement that the acts to which he objected were passed without authority (344. Cf. C.S.P. 1716-17, pp. xxviii., xxix.). Hunter, in reply, stated his case, but added that as most of the laws in question were by this time expired or repealed, it was no longer of any consequence (600).

A Naturalization Act. Objection to Acts affecting Patent Offices. An Act for naturalization led the Council of Trade to ask for a statement of the law regarding naturalization in the Plantations (785). Objection was made to three acts on the grounds that they diminished the jurisdiction

Policy of
starving
Royal Officers.

of the Supreme Court, and also the accustomed fees of holders of Patent Offices (253, 267, 284, 764, 786). The Secretary complained that the fees of his office were reduced below a living wage. He quoted several members of Assembly as having declared that they had people enough of their own to execute that office, and that if the King would send over Patent Officers, they would take care to make it not worth their while (284).

Revenue
Accounts.

Accounts of the Revenue from 1710 to 1718 were returned, amounting in all to under £10,000 (651).

New York.
Act for
payment of
public debts.

In New York politics there had long been an acute division between the interests of the City and the country districts. This division had been a potent factor in the struggle for a settlement of the revenue, when one point at issue was whether a tax upon land or upon imports should be raised. The former would fall, of course, upon the planters and pioneers of the frontier, the latter mainly upon the richer merchants and consumers of the towns. The vote of the Country Party had contributed largely to the settlement of the revenue, and to the passing of the act for the payment of the debts of the Province on a basis of customs and excise duties, and an issue of bills of credit. The persons whose debts were to be paid were named in this Act of 1715, and by it all other claims were declared void. It soon appeared, however, that there were many creditors of the Province whose claims had been ignored. A second act was therefore passed at the end of 1717, for their payment, by which another issue of bills of credit was authorised, secured by a duty on imported, and an excise on retailed liquors.

Increased
trade and
prosperity
follow on
new issue
of paper
currency.

Hunter recommended this act as a measure both reasonable and just. Opposition to it he described as merely arising from the resentment of vested interests. Rich merchants who had grown accustomed to a practical monopoly of trade, saw it threatened by the diffusion of money and restoration of credit, opening the door to smaller tradesmen. But Hunter could point to a definite increase of trade and shipping and general prosperity, shown by the returns of imports and exports, and the acceptance of the paper currency at par, as all tending

to prove the new issue of paper bills to be a beneficial measure. If the act were disallowed and the bills recalled, a financial disaster would ensue (194, 236, 317, 516, 518, 519, 650, 724 i., 738, 738 v.).

Opposition to
the Act.

The merchants of New York City at once expressed their vehement dislike of the new imposition laid upon trade, and prosecuted an active opposition to the act. When the bill had passed the Assembly, the Grand Jury of New York petitioned the Governor to veto it. Hunter communicated their address to the Assembly, and the Grand Jurors were ordered to be taken into custody and brought before the bar of the House, where they were severely reprimanded (516, 516 i., 650, 738 iv., v.). Opposition to the act was then organised in London. Money was sent home to procure its repeal. A caveat was entered, and petitions were presented. The coffee-houses were canvassed, and arguments advanced to show the undesirable nature of the act (492, 499 i., 516, 650, 663 i., 707, 724 i., 738 ii.). The caveats were referred to the Board of Trade, and by the Board of Trade to the Government of New York (499, 528, 529, 633). The Council replied to them in forcible terms, agreeing with Hunter's assertion that the allegations of the opposition were scandalous and false, and their prophecies already proved by experience to be incorrect (650, 738, 738 i.-v.).

Mr. West's
report.

Mr. West, in his report upon the Act, after examining the objections of the British merchants and others, expressed approval of its objects. But he stated the legal objection that, though the act by the customs imposed materially affected British trade and shipping, the instruction requiring a suspensory clause in such legislation had not been observed, and that bills of credit had been struck and issued immediately without waiting for the royal assent. They could not, however, now be recalled, without throwing the colony into the utmost confusion (663).

Objections to
Revenue Act
and Act laying
duty on
shipping.

Objection to the Revenue Act, and an Act *to oblige all vessels trading to this Colony to pay duty*, was taken on the same grounds, that they affected British trade and shipping. The Council of Trade, anxious to avoid the

necessity of repealing these acts, urged Hunter to procure their amendment by the Assembly, and himself in future to observe the recent Instruction on the subject (199, 292, 402, 402 i., 662, 676). Hunter protested that it would be very difficult to find any source of revenue, seeing that a land tax was impracticable, if “by the clamours of merchants or those self-interested every sort of duty may be constructed to affect the trade of Great Britain.” Similar duties, moreover, had been exacted before, and in other Colonies (600, 602). He did, however, succeed in obtaining an Act amending the Revenue Act (718, 738).

Act
amending
Revenue Act
passed.

Opposition
from
Long Island.

The Whale
Fishery.

The inhabitants of Long Island, N.Y., had joined the merchants of New York in their opposition to the Act *for the payment of the public debts*.

During the struggle for the settlement of a revenue, when money had to be raised somehow by Hunter to carry on the Government, pressure had been brought to enforce payment of quit-rents and of fees for licences for whale-fishing (50, 317, 603 iii.). Whales were royal fish, and the right to grant licences for fishing for them, or to claim the Crown property in drift whales, was assigned to the Governor in his Commission. (As to this point, the Council of Trade expressed some doubt, which was fully answered by Hunter, *Nos.* 317, 317 i.-x., 402, 478, 600, 603 iii., 738). The capture of drift-whales, however, was one of the leading industries in Long Island.

The Long Islanders, who had been refused a port of their own, were bound to enter and clear their vessels at New York. The port and customs duties which they were now called upon to pay there, not to mention the enforcement of the Acts of Trade by the New York Collectors, roused their resentment and touched their pockets. In these circumstances, the collection of fees for whale-fishing and the demand for the payment of quit-rents provoked bitter opposition among those who had been accustomed to indulge a strong preference for illegal trade and a considerable leaning towards pirates. Their cause was championed in the Assembly by Samuel Mulford, of Easthampton. He had been sued for non-payment of quit-rents and of licences for whale-fishing

Mulford's
speech and
memorial.

(317, 317 i.-xi.). In a bitter speech in the House he had attacked the Assembly and administration. There he could plead privilege. But he committed the indiscretion of publishing his speech, and was expelled from the House. Going to England, he appealed to the Council of Trade and Privy Council for redress, stating his grievances in a Memorial, which had been referred to Hunter for his reply (14, 49, 49 i.-ii., 94; and *v. C.S.P.* 1716-17, *p.* xxvii.). The present volume gives the answers of Governor, Council and Assembly to the wild attacks of that "craz'd old man," as Hunter calls him (317, 317 i.-xiv., 602, 603, 603 i.-iii.).

Reply of
Council and
Assembly.

Mulford and
the Indians.

Mulford in his Memorial had complained that the distribution of seats in the Assembly was unfair; that the Country Party was over-represented, and that Long Island had not been assigned its just number of members. This, he alleged, had rendered possible the imposition of an excessive proportion of the taxes upon Long Island, when the quotas of taxes were being assigned. To this the Assembly gave a clear reply (317 xi., 603 ii., iii.). His complaint against the powers of the Court of Chancery, which had been called into requisition when it was being boasted that no jury would convict for arrears of quit-rents, was also answered (317, 603 iii.). But what chiefly aroused the wrath of the Assembly was the character of Mulford's attack upon the Government's Indian policy. Denouncing the cost of the salaries of the Commissioners for Indian Affairs and of the presents made to the Five Nations, he declared that their general effect was to render the Colony tributary to the Indians. The drift of his speeches and that of the Memorial suggested that an attack upon the Indians might be contemplated, with a view to exterminating them and seizing their lands. The mischievous effect of this wicked and silly suggestion was denounced by the Assembly, which expressed its full appreciation of the services rendered to the Colony by the Five Nations (112 i., 317 xi.). Colonel Schuyler also protested against an unjustifiable use of his name in that connection (578 i.). Hunter held a conference with the Five Nations at Albany in the summers of 1717 and 1718 (59, 675; and see below, *p.* lv.).

Conference
with the
Five Nations.
The Palatines.

Hunter's comments upon Mulford and his agitation show considerable irritation and impatience. His letters seem to indicate that he had grown weary and outworn by the bitter personal attacks of such men as Mulford and Cox, supported by "some great men at home," and he resented the perpetual drudgery of having to reply to their false accusations and repeated complaints (375 iv., 553, 554, 600, 602). Having achieved his object in settling the revenue and obtaining peace and prosperity in both New York and New Jersey, he was ready to return to England and lay down his office. He was suffering, apparently, from gout; he was anxious and distressed at the failure of his friends to secure by application to Parliament repayment to him of the large sum he had expended on behalf of the Palatine emigrants (236, 402, 600). But though he began to think that his friends were forgetting him, he expresses again and again in the warmest terms his appreciation of the friendship and services of Mr. Popple, the Secretary of the Board of Trade (12, 112, 194, 236, 553, 675, 718 *etc.*). He had already obtained leave of absence, and at one time hoped to go home early in the spring of 1718. But, later, he decided to defer his departure till the following spring, first because of the danger of pirates on the coast, and afterwards because he felt that his presence was needed to induce the Assembly to amend the Acts to which exception had been taken (12, 194, 553, 602, 675, 724 i.).

The Palatines.

As for his large disbursements on account of the German Protestant Refugees, the Council of Trade promised him all the assistance in their power (235, 402). But they had to inform him that it had not been possible to do anything in the matter during the recent session of Parliament. They asked for a return of their numbers and occupations, and where they were settled, and also for suggestions for employing them (402). Hunter replied, briefly, mentioning that Conrad Weiser had now gone to England on behalf of the few malcontents who would come to no terms. The rest were comfortably settled and some were growing rich. They might be usefully employed, he thought, on the frontiers, if his policy of extension were adopted (600, 650 i.).

Lack of land
and the
forward
policy.

Repeating, in reply to an enquiry from the Council of Trade, his statement that there was little land left for granting to new settlers, Hunter reminded the Board that the adoption of his forward policy and his proposal to erect forts about the Great Lakes would solve this difficulty (650. *Cf.* C.S.P. 1716-17, *pp.* xxvi., xxvii.).

Naturalization
Act.

In view of the Attorney General's objections to the Naturalization act of 1715, to which so much importance was attached in New York, and Hunter's assurance that the Assembly would pass an amended act, the Board of Trade applied first to Sir Edward Northey, and then to Mr. West for a draft of the alterations which were deemed necessary for the Governor to lay before the Assembly (294, 385, 401, 708. *Cf.* C.S.P. 1716-17, *p.* xxvi.).

Revenue
Accounts.

In forwarding accounts of the Revenue, Hunter mentions that the Treasurer refused to submit them for audit to the deputy of the Auditor General (who was a royal official), holding himself accountable only to the Governor, Council and Assembly (650, 650 ii.).

Act for
settlement
of lands.

To Hunter's request for the repeal of the Act of 1710 *for the better settlement of lands*, the Attorney General objected that it would inflict considerable hardship upon purchasers under that act. He took occasion to remark upon the inconveniency arising from allowing Plantation laws to remain so long without being either confirmed or repealed by the Crown (436). The Council of Trade therefore recommended the passing of a new act, not liable to the objections which had been taken to that of 1710, but at the same time safeguarding the titles of those who had purchased on its security (500). A similar recommendation was made with regard to the Act *for shortening law-suits*, following upon criticisms by the Attorney General, who found that it might involve hardships upon litigants. Experience in New York proved that Sir Edward's criticisms were just, and the act, on Hunter's suggestion, was therefore offered for repeal (293, 402, 600, 709).

New act
suggested.

Act for
shortening
law-suits
repealed.

Nova Scotia.
Col. Phillips
appointed
Governor.

Following on the reports concerning the settlement of Nova Scotia (C.S.P. 1716-17, *pp.* xxxii.-xxxiv.), Col. Richard Phillips received his Commission as Governor

His
suggestions.

of Nova Scotia and Placentia in Aug., 1717 (19, 20). In a memorial upon his government presented by him to the Secretary of State (392 i.) Phillips urged the necessity of a present to the Indians in order to wean them from the influence of the French priests, in accordance with the advice of the Lt. Governor, Doucett, who thought that the Indians would be more swayed by benefits in this world than any promises for the next (371, 565, 789). Phillips also urged the determination of the boundaries, the repair of the fort at Annapolis Royal, and measures for encouraging settlers. He emphasised the value of the country and the fishery, which ought to be reserved for the common use in the case of any grants of lands. For its protection and for the administration of his two governments, he required the services of a frigate (392 i.). This would also be of service in preventing the smuggling trade which was being carried on from New England, Canada and Cape Breton, and which, the inhabitants complained, was delaying the settlement of the country (351, 351 ii., 352).

The Council of Trade reported upon these proposals, that the present to the Indians might be made if, after his arrival, the Governor thought it advisable ; that forts should be erected as recommended by the Comptrollers of the accounts of the Army (C.S.P. 1716-17, No. 615), and also a fort on the Gut of Canso, for which purposes an engineer should be despatched to make a survey of the coast, as well as to serve as a Commissary for settling the boundaries ; and that a survey of the woods and country should be made with a view to the production of Naval Stores. They approved the Governor's other proposals for the encouragement of settlers, the protection of the fishery and the appointment of a frigate, and recommended that he should have the usual powers and Instructions of Governors of Plantations, more particularly as to the disposal of lands (550).

Grant for
fort at
Annapolis.

Admiralty
report.

Orders were given for a grant for rebuilding the fort at Annapolis (605, 645). As to the frigate, the Admiralty, on being consulted, demurred as to the expense, but undertook to provide a suitable vessel. They recommended that the Surveyor General of the Woods be

instructed to survey those of Nova Scotia (604, 619).

Arrival of
Lt. Gov.
Doucett.

The garrison.

Lt. Governor Doucett, arriving in Nova Scotia in Oct., 1717, found the fort almost demolished, and the garrison, whose plight was described in the previous volume (*p.* xxxii.), continually in mutiny for their pay (185, 351, 352, 392 ii.). He assured them that their grievances would shortly be redressed (392 ii.).

The French
inhabitants.
Refusal to
take oath of
allegiance.

He then began to put pressure upon the French inhabitants who, numbering some 6 or 7000, had not yet acknowledged King George. He called upon them to sign a declaration of allegiance, warning them that otherwise they would not be allowed the privileges of British subjects in trading and fishing. They refused to take the oath required, but offered to swear not to take up arms for either side in case of a rupture between France and England. Their excuse was that, if they took the oath of allegiance, they would expose themselves to the fury of the Indians, who were wholly in the French interest, and from whom the English Government could not protect them. But the rough way in which the French inhabitants treated the Indians without suffering any reprisals, led Doucett to discount this excuse. The real reason for their refusal he found in the influence of their priests, who were circulating rumours that the Pretender had landed in Scotland, and, having been established on the throne of Great Britain by French troops, had returned Nova Scotia to France in acknowledgment of their aid. However, the inducement of the fishery caused some of them to waver, and Doucett expected that, as in the case of the Indians, "if advantages can biass them more than their priests," they would yet take the oath of allegiance (185, 185 i., ii., 351, 371, 371 i.-iv., 392 i., 550, 565). In sending the form of the oath of allegiance, Doucett had invited the co-operation of the French priest at Minis. The Jesuit replied that he would give no advice to the people one way or the other (351, 371, 371 i.-iv., 565, 565 i.-iv.).

On receiving the reply of the French inhabitants, Doucett reminded them that they could choose to remain as British subjects or to retire from the Colony. But if they refused to take the oath of allegiance, he

would be obliged to forbid them to trade within His Majesty's territories (565 i.). He also wrote to the Governor of Canada and the Lt. Governor of Cape Breton, in order to find out what the French were prepared to do with regard to the inhabitants, if they chose to retire thither. For once already most of them had been to Cape Breton on the strength of French promises, and being disappointed at what they had found there had returned to Nova Scotia, but still as French subjects. He also complained that Frenchmen from Cape Breton were settling at Cape Canso and encroaching on the fishery there. He invited M. de Brouillan to put a stop to this, and M. de Vaudreuil to instruct the French missionaries to desist from hostile propaganda (351 i., 565, 565 iv., v.). In reply, Brouillan stated that the Isles of Canso were situated "at the mouth of the small entrance of the Gulf of St. Lawrence" and that "this place up to the River Ste. Marie" was assigned to the French by the Treaty of Utrecht, "since it is this river which constitutes the old boundary of which mention is made" (635 i.). Vaudreuil claimed the River St. John for France, and instructed the French inhabitants that they might withdraw to lands there, with their moveable effects. Doucett's comment on this was that, unless a stop were put to them, the French would claim everything to within a cannon shot of the Fort at Annapolis Royal, and he sent home a map drawn by Capt. Southack, showing the ancient boundaries of Nova Scotia (789, 789 i.-iv.). Both French Governors complained that the English had put difficulties in the way of the French inhabitants when they wished to withdraw their moveable goods (635 i., 789 i.).

French claims
to the Isles
of Canso
and the River
St. John.

Capt.
Southack's
map.

Vaudreuil's
double-
dealing.

The Governor of Canada wrote two letters to the French inhabitants, one, which could be shown to the English, instructing them that, if they preferred not to take the oath of allegiance to King George, they might retire to the River St. John, and take their moveable effects with them (789 iii.), although by the Treaty they were only entitled to do so within a year (789 iii.). In the other, which was not intended to be seen by the English, he stated that he was instructing a Jesuit missionary to

allot them lands, and advised them in any case not to take the oath of allegiance, as they would not be allowed the free exercise of their religion (789 iv.).

H.M.S.
Squirrel
sent to
Canso.

In the meantime the Governor of New England had taken action. He sent H.M.S. *Squirrel* from Boston to Cape Breton with a letter requesting M. de Brouillan to give orders to the French to pull down their huts near the Gut of Canso and not to fish any more on that shore. Thence the *Squirrel* sailed to Canso, seized two French fishing ships there, and carried them off to Boston (575, 782 i., ii.).

Lands between
Nova Scotia
and Maine.

Petitions for grants of lands lying between Nova Scotia and Maine continued to be the subject of controversy. Capt. Coram and his partners in the scheme for erecting a new Province there, to be settled by disbanded soldiers, maintained that the right to these lands was re-invested in the Crown by virtue of re-conquest from the French. Coram denied that the Marquis of Hamilton's grant included any of this tract, and as for Sir Bibby Lake's purchase from the Indians, it was of no value, for any Indian when drunk would, for a bottle of liquor, sign any paper, but such conveyances would be repudiated by the other Indians and had led to the murder of the settlers (268, 396, 397). The claims of the Massachusetts Bay were, according to them, equally invalid (497). But the Solicitor General took a different view. He upheld the claims both of Hamilton and Lake and of the Massachusetts Bay (261, 308, 383, 498, 511).

Offer of the
Massachusetts
Bay.

On behalf of that Government, an offer was made that the soil and government of the territory between the Kennebec and Penobscot rivers should be recognised as belonging to Massachusetts, whilst that between the Penobscot and St. Croix rivers should be at the disposal of the Crown (458 i.). The latter tract the Council of Trade was inclined to think would prove suitable for the settlement of the disbanded soldiers. But they hesitated to enter into any new "contracts with the Massachusetts Company," for the reasons quoted above (§ 1), (543).

Grant to
Sir A. Cairnes
etc.
recommended.

Sir Alexander Cairnes, Joshua Gee and other merchants petitioned for a grant of lands, with a view to

settlement, near Chedabucto (3 i., 11, 86). The Council of Trade recommended the granting of their petition as being for the benefit of the Colony and the trade of Great Britain (105). But they suggested that in any such grant the right of fishing off the coast and of curing fish ashore should be reserved for all British subjects (23, 106, 392 i., 550, 432, 790).

Pennsylvania.
Acts
establishing
the judiciary.

Affirmation
Acts.
Objection
raised.

Joshua Gee.

Iron in
Pennsylvania.

Lt. Gov.
Keith.

A memorial was presented by the Proprietor of Pennsylvania and his friends, praying for the confirmation of acts passed in 1713 and 1715. Several of these were concerned with the regulation of the judiciary and were defended in the memorial, as well as two acts permitting the Affirmation by Quakers (508, 586, 781). Objection was taken to the latter on the ground that they practically repeated the provisions of former acts which had been annulled, and allowed persons not upon oath to take part in criminal proceedings. Attention was also drawn to the delay in submitting them for confirmation (506). The Council of Trade, indeed, complained to Joshua Gee that they had received no laws from Pennsylvania since those of 1711 (772, 784). Mr. Gee, as one of the mortgagees, answered some of these objections (586). It was he who had urged the encouragement of the production of iron ore in the Plantations, of which Lt. Governor Keith reported "great plenty in many places" in Pennsylvania (101). It was the controversy over the Affirmation Acts which had brought to a head the hostility between Lt. Governor Goodwin and the Assembly, and had resulted in the appointment of Keith by the Proprietors. He had been recommended by Logan and other members of the Council of Pennsylvania. As Surveyor General of Customs in America he had acquired an intimate knowledge of colonial affairs (227). A Scotsman, who was the friend of Lt. Governor Spotswood and a protégé of the Duke of Argyll, he had impressed Mrs. Penn by his "prudent conduct and obliging behaviour" (*Penn Papers*). On arriving in the province in May, 1717, he quickly justified Mrs. Penn's estimate of him as "an understanding man and a man of temper." His ability and his affable manners soon won over the Assembly, who granted him £500 a

year (101 ii., 552). Keith echoed the suggestion which had come from the Quakers of New Jersey (C.S.P. 1716-17, p. xxix.), that, if Pennsylvania were resumed by the Crown, West Jersey should be united with it and the Three Lower Counties under one Government, supporting his suggestion by a reference to the " continual jarrings between the people of West Jersey and New York " (101). Upon the petition of the Earl of Sutherland for a grant of the Three Lower Counties, and Penn's claim to them, the Law Officers of the Crown made a long and careful report. Penn's claim appeared to hang upon the question whether the Duke of York had any title to the Three Lower Counties in 1682, when he transferred his rights to Mr. Penn, and whether the grant of the Duke of York in 1683 ever passed the Great Seal. Sutherland had undertaken to make out the title of the Crown. The point, it was suggested, should be determined by the Court of Chancery. But if Penn's claim under the grant of 1682 were established, then he was liable for a moiety of the rents and profits under it (177 i.).

Union with
West Jersey
proposed.

Report upon
The Lower
Counties.

Taxation of
foreign imports
proposed by
Keith.

In reporting upon trade carried on with the French and Spanish colonies, Keith suggested that a higher duty should be imposed upon the produce of foreign Plantations than upon our own, " which would oblige our Adventurers not to return anything but bullion from their trade with foreigners unless at the cost of a revenue to the Crown " (227 ; v. § 1).

Indians.
Conference at
Philadelphia.

The conference of Governors at Philadelphia proposed by Lt. Governor Spotswood, with a view to making a general treaty with the Indians, came to little. The Five Nations would only treat at Albany, through the Government of New York (59, 406, 568 ii., 578 i., 675) ; the Pennsylvanians refused to allow any negotiations with the Indians of the Susquehanna Valley except through their own Government (101 i.). Their *Act for continuing a friendly correspondence with the Indians*, like the Act which Spotswood had carried in Virginia, aimed at regulating traders with them and preventing those impositions which had had such dire results in Carolina and elsewhere. The Pennsylvanians were able

Act for
continuing
friendly
correspondence.

to boast that hitherto, thanks to their honest dealings with the Indians, not a single one of their settlers had lost his life at their hands (781).

Connecticut
and Rhode I.

The Collector of Customs at Rhode Island drew attention to the passing of several laws contrary to the Acts of Trade and to the detriment of the royal officers and the inhabitants of the neighbouring Colonies. Rhode Island and Connecticut, he suggested, ought to be obliged to submit their acts for confirmation by the Crown (759). The refusal of Rhode Island to submit their Militia to the command of the Governor of New England in times of emergency is mentioned above (700, *p.* xxxvi.).

Virginia.
Acts
prohibiting
assembly of
Quakers,

and concerning
foreign debts.

The revision of the laws, preparatory to printing, led in the case of Virginia, to exception being taken to acts of long-standing. One was that of 1663 *prohibiting the unlawful assembly of Quakers*, which, if put in execution, would have rendered it impossible for any Friend to abide in Virginia (174, 263, 281, 343, 380). The other, *concerning foreign debts*, protected debtors who had fled to Virginia from Great Britain, which, as the Attorney General sardonically remarked, would be a great convenience for the inhabitants of that Colony, but a great means to defraud English creditors. Both acts, therefore, were repealed (174, 263, 281, 343, 380).

Lt. Gov.
Spotswood
and the
Council.

Their claim
to be sole
Judges.

Spotswood continued his duel with the Council (*v.* C.S.P. 1716-17, *p.* xxix.). His reply to their claim to be sole Judges in the Court of Oyer and Terminer was trenchant and convincing (59, 456). Supported by the views of the Council of Trade and legal opinion, he exercised his right to appoint Judges to that Court. Some of the Councillors thereupon refused to sit (59). At that time the Council of Trade was repeating its view (63). It was confirmed by the opinion of the Attorney General, that the power of constituting Courts in Virginia remained in the Crown, and that therefore by his Commission the Governor was properly empowered to appoint Judges thereto. He agreed, however, that this power might be abused by a bad Governor, and suggested that "for the preventing of inconveniences and quieting the minds of H.M. subjects there," Instructions might be given for

restricting it (275). The Council of Trade accordingly recommended Spotswood to make a discreet use of that power, "which should be exerted on extraordinary occasions only" (334).

In the meantime the "secret remonstrance, . . . through private agents," which Spotswood had foreseen (59), had been made by Mr. Byrd to the Council of Trade. But recognising that, after the verdict of the Attorney General, it was useless to challenge the right of the Crown, he changed his position to a petition for an Instruction appointing the Judges of the General Court to be the Justices of the Courts of Oyer and Terminer, except in extraordinary cases (342, 342 i., 398). To this the Council of Trade replied, that no complaint had yet been made that the Governor had abused the power placed in his hands in the way it was suggested he might do. He had always chosen a majority of the Judges from the Councillors, and by no means excluded them, as the petitioner seemed to suggest. The application, too, came not from persons aggrieved by an abuse of the Governor's power, but from those who wished to engross the power of being sole Judges in criminal causes, to the diminution of the royal prerogative. For these reasons, and because there might be grave inconveniences if Councillors were to be the only judges, whilst the Governor would always be answerable for any abuse of his power, they saw no reason for altering the present position (410). Their appreciation of the situation was borne out by letters subsequently received from the Lt. Governor, in which he asserted that one of the objects of the Councillors was to secure to themselves the £100 allowed out of the revenue for the Judges for each Court, and another to encroach upon the prerogative of the Crown, and to make the Governor and the people subservient to the will of their clique (422, 456, 568, 588, 799, 800).

Reform in
methods of
collecting and
auditing
revenue and
quit rents.

Spotswood devotes a good deal of space to explaining his reforms in the methods of collecting and auditing the revenue and quit-rents (59 i., iii., 422, 422 i. *etc.*). To these reforms, approved by the Council of Trade (334), he attributes the fierce hostility of the Ludwells,

Byrds, and Blairs, who formed the family party opposed to him in the Council (568, 800). As to their address concerning the quit-rents, he explains that it was part of a scheme to obtain a salary of £100 a year out of the revenue for each Councillor (456). He answers their charges against himself with great vigour, analysing the characters and motives of his opponents with a vocabulary fortified by reminiscences of Dryden's *Absalom and Achitophel* (456, 568, 588, 799, 800). The substitution of more peaceable and loyal Councillors for some of this "Juncto of Relations" would solve the difficulty here, as successfully as in New Jersey (568, 588, 699, 799).

The new
Assembly.

The summoning of a new Assembly was necessary for dealing with the situation created by the repeal of the Act *for regulating the Indian Trade*. The ill effects of that repeal Spotswood was not slow to point out (699). The election was fought by "the patent family" mainly on the Indian Trade Act and the dispute over the appointing of Judges. Another plank in their platform was the removal of Lord Orkney, the absentee Governor. They obtained a majority in the Assembly, composed, as Spotswood says, of "many of their relations and others of weak understandings." This "cabal of malcontents among the Burgesses" proceeded to carry out the policy of the family party, "with a score of base disloyalists and ungrateful Creolians for their adherents." If successful in their attacks upon the Governor and the royal prerogative, Spotswood declared that they would in future rule the Province (568, 568 i., 588, 799, 800).

An attempt at effecting a reconciliation between the Lt. Governor and opponents so determined failed for the time being (588 i., ii.). The Assembly's first step was to address the King in support of the Councillors' claim to be sole judges. They asked, too, that the recent Instruction relating to acts affecting British trade and shipping might be revoked. They appointed Mr. Byrd their agent for presenting their Address (568, 568 iv., v., 588, 799, 800). At the same time they prepared a bill which would have enabled them to appoint or change their agent, and pay him as they thought fit by a mere

resolution of their House. This bill was rejected in Council, Spotswood pointing out that it enabled the Burgesses to "nominate one another and give what sums they thought fitt for no service at all." Another bill placing £4000 at the disposal of Archibald Blair, a brother of the Commissary and partner of Col. Ludwell, was passed in Council, where there was "a great majority of the relations of those gentlemen." It was vetoed by Spotswood, who gave his reasons (568). The next move of the party "who always have their eyes very quick to watch all advantages for lessening the power of the Crown," was to endeavour to take away from the Secretary's Office the right of appointing County Court Clerks; and to pass a bill intended to torpedo the establishment of posts between Williamsburgh and Philadelphia for the interesting reason referred to in § 1; and to reject a bill because it retained the King's right to alter the day for holding Courts. The opportunity of attacking the Lt. Governor through the Indian Company was obvious. The Assembly refused to compensate the Company, as had been recommended on the repeal of the Act *regulating the Indian trade*, for expenses which they had been expressly enjoined by that Act to incur in building the Indian school, repairing the fort and maintaining the fort at Christanna. Spotswood's comment on all this, and upon their reversal of the whole of his Indian policy, and refusal to allow him the expenses of his journeys, is sufficiently pointed (406, 568, 588 ii.). But, having overstepped the mark before in his Speech to the Assembly, he refused to be provoked into showing resentment to them now. In answer to all their attacks he could point to the prosperity of the country, a full Treasury, moderate taxation, peace on the frontiers and trade flourishing. Moreover, the country so far from being willing to submit grievances against him, showed signs of rallying to his support (568 i, 657 v., vi., 799, 800, 800 vi.). Meanwhile the Councillors and their party among the Burgesses refused to attend the Lt. Governor's entertainment on the King's Birthday, and provided one of their own in the Burgesses' House and a bonfire for the mob (568 i., 588).

Assembly
prorogued.

When, after the Council had declared against renewing the treaty with the Five Nations, Spotswood proposed to prorogue by proclamation the already adjourned Assembly, the Council protested that a meeting was necessary before prorogation (657). The Councillors then entered upon a new dispute, challenging the right of the Crown to the patronage and collation of ecclesiastical benefices (657). On both these points the opinion of the Law Officers of the Crown was invited, at Spotswood's request (657, 731).

Address
against
Spotswood.

When the Assembly re-assembled in the autumn, they first passed a bill re-enacting the law *declaring who should hold office etc.*, which had already been repealed, and then fell to attacking the Lt. Governor. A Committee enquired into the state of the furniture of the Capitol, and an Address and charges against Spotswood were passed in an empty House. To some of these he answers in advance (800, 800 i.-vi.).

Spotswood's
explorations
and the
Westward
Movement.

Spotswood makes several interesting references to his exploration of the Blue Ridge and his discovery of the passage over the mountains, through which he hoped to open up trade with the Western Indians and to check the development of the French settlements (*v.* § 1). To this end he urged the occupation of the passes and settlements on the Lakes, notably upon Lake Erie. He proposed that he should be instructed to undertake the execution of this plan, to be financed out of the quit-rents (657, 800). He recommended cultivating the friendship of the Cherokee Indians, as his Virginian Indian Company had done, and announced that he had set German miners to work on the iron ore found at the head of Rappahannock River. Gold, too, he hoped for in the mountains, which might deprive the Spaniards of the boast that the Treasures of the Universe were committed solely to them (800).

Spotswood
and the
Indian
Conference.

An attack upon the Cuttaba Indians, who had just made peace with the English, by a party of Senecas and Tuscaroras, prompted Spotswood to send to New York for the release of the prisoners taken, and to suggest to Governor Hunter that, by way of atonement, the Five Nations should send delegates to Virginia to renew the

peace made with that government in 1685. He also issued a Proclamation prohibiting trade with the Tuscaroras except under license, there being reason to suspect that they had been led to attack the Cuttabas through information conveyed by some unlicensed traders. The Five Nations refusing to treat except at Albany, Spotswood proposed a Conference at Philadelphia where, with the Governors of New York, Maryland and Pennsylvania, measures might be taken for bringing the Indians into a general treaty, in relation to all the governments. But, as we have seen, the Pennsylvanians preferred their own methods with their neighbouring Indians, contrasting, not unnaturally, the results obtained by the Southern Colonies. The New York Commissioners for Indian Affairs were evidently anxious that the Five Nations should not be hectored and upset by the Virginian Government, which for 25 years had contributed nothing to the expense of presents to them; and the Council of Virginia finally declared against renewing the treaty with them. Thus Colonial separatism once more gained the day, to the disappointment of such as wished to see all the Colonies placed under one system of government with a general scheme of defence against the French (59, 59 iv. (a), 85, 101 i., 406, 578 i., 657).

Cuttabas
dying out.

In connection with the Cuttabas, Spotswood mentions that they were suddenly and rapidly dying out, owing to the barrenness of their women. He sees in this a dispensation of Providence, designed to "make room for our growing settlements." It would be interesting to know whether this sterility was due to decadence or disease, or to race suicide (800).

Virginia and
the Pirates.

The important share taken by Virginia in the suppression of pirates is mentioned in § 1. *Cf.* 657, 657 iii., 800.

Governor's
Instructions
open to the
Council.

Spotswood observes that, having no commands for keeping his Instructions secret, he left them open to the inspection of the Council (*p.* 221).

Grants of land :
Washington.

A list of grants of lands includes one to "John Washington, jr." (657 iv.).

§ III.

THE WEST INDIES.

The Bahama
Islands
surrendered by
Proprietors
and leased to
Capt. Rogers
and Company.

At the beginning of this period Messrs. Samuel Buck and Company submitted an estimate for transporting 500 refugees from the Palatinate to the Bahama Islands, 100 of whom shortly afterwards went as indentured servants to Pennsylvania (76). The Lords Proprietors executed a deed of surrender to the Crown of the Government of those Islands. At the same time they leased their remaining rights to the soil *etc.* to Capt. Woodes Rogers and his partners (166, 176, 183, 184, 420). Rogers was appointed Governor by the Crown, with a commission as Captain of a Company of Foot, and a naval force to dislodge the pirates there (64, 167, 220, 220 i., ii., 305, 471). As two of the Proprietors were minors and had therefore not signed the deed of surrender, there was some doubt as to its validity (220, 221, 250). But the Council of Trade represented that, in any case, by their long neglect to defend the islands, the Proprietors had forfeited their right to the Government (225). Capt. Jacob, H.M.S. *Diamond*, was ordered to proceed to Jamaica and thence to do his utmost "in the rooting out of those nests of robbers from" Providence Island, with power to call to his aid the ships stationed at Barbados and the Leeward Islands (Admiralty 2/49, p. 267-9, and 8/14). The pirates were dislodged, as recorded in § 1, by the men of war and Rogers, who arrived in *Delicia* at the end of July, 1718 (737).

Pirates
dislodged.

Rogers'
difficulties.

Rogers then set to work to repair the fortifications, and was in good hopes that with settlers he had invited from Anguilla, Carolina and Bermuda the colony would soon begin to prosper. He appointed Councillors, Justices and Officers, and recommended the institution of an Assembly (737). But he soon found that his task was to be no easy one. His letters vividly describe his difficulties. Sickness decimated the newcomers; the old inhabitants had been rendered lazy and incompetent by their piratical ways; they remained in sympathy with the pirates who threatened to return (*v.* § 1); and soon an attack by the Spaniards seemed imminent.

At one moment the position appeared so perilous, that he appealed for succour to the Governors of Jamaica and New York. But the old sea-dog faced his troubles bravely, and still hoped for the best “ amongst a very odd sort of people wth. so small a beginning ” (737, 807).

Barbados.

Act
empowering
licentiate
lawyers etc.

Governor Lowther, replying to some strictures by the Council of Trade upon several acts passed in Barbados, defended in particular one *empowering licentiate lawyers to act as barristers*. It was, however, strongly opposed as likely to promote ignorance of British law and thereby to weaken the connection with the Mother Country. Mr. West also observed that it gave the Governor the power of enabling his footman to practice at the bar (210, 259, 517, 535, 561, 572, 742).

Act for
payment of
bills.

In reporting upon an additional act to the act for *the payment of bills*, the Attorney General commented on “ a pretty extraordinary punishment ” imposed by it. Persons bidding for lands for which they were then incapable of paying were to expiate that offence by imprisonment for a year, being set in the pillory, and having their ears cut off (216, 273).

Act laying
duty on
foreign sugars.

An Act *laying a duty on foreign sugars imported*, intended to protect the planter from the competition of French and Dutch Colonies which had “ the advantage of a newer soil,” was confirmed (103, 103 i., 148, 160, 547, 611).

Grants and
Finances.

Governor Lowther made returns upon grants of lands and the state of the finances, anticipating that the new poll-tax upon negroes would enable the country to pay all the public debts by the following spring (534, 742, 742 xiii., xiv.). Lists of causes determined and depending in the Courts were also sent in (742 ii., iii.).

Lists of
causes.

Presents to
Governor
disapproved.

The Council of Trade expressed satisfaction at the good understanding established by the Governor with the Council and Assembly, to which the large presents voted to him by the Assembly were convincing proofs. But they added that they were proofs of a kind directly contrary to his Instructions, which they admonished him to observe (471).

The
Ecclesiastical
Court and
the Clergy.

The complaint against the Clergy appointed or recommended by the Bishop of London and the attempt of Mr. Gordon, his Commissary, to set up an ecclesiastical Court was answered by the Bishop. He observed that he had not from any other Colony "so melancholy an account of the state of religion" (68 i., 88). The Council of Trade examined the Bishop's Commission to Mr. Gordon and recommended that the latter should be removed and consideration given to the character of the clergy in Barbados (159). Gordon entered in his defence the not very convincing testimony of a sermon of his own (733. Cf. C.S.P. 1716-17, p. xliii.).

A duel.

There is the echo of a duel in a petition for pardon (2 i., 490). *And see § 1 Pirates.*

Bermuda
Pirates.
Acts.

Threatened by an onslaught of pirates, the Lt. Governor of Bermuda petitioned for naval and military reinforcements (551). The Council of Trade communicated to the Lt. Governor some criticisms of acts passed during the last few years (720, 720 ii.).

Jamaica.

The documents relating to Jamaica are for the most part concerned with the aftermath of the crisis which resulted in the recall and arrest of Lord Archibald Hamilton. The situation was fully analysed in the Preface to the previous volume (*pp.* xliv.-lv.). Having succeeded in getting rid of their Governor, and secured the appointment of a Lt. Governor who was ready to do their bidding, his enemies declined to prosecute their charges against Lord Archibald, in spite of his repeated demands for a hearing before the Privy Council. At length he submitted a Memorial complaining of the treatment he had received, and asking that the new Councillors and the Deputy Secretary, Dr. Page, should be dismissed (109, 109 i.-vi.). The Council of Trade, after many interviews at the Board, supported his contentions, and recommended the removal of Dr. Page. He was finally dismissed from all offices, though William Congreve, the dramatist, who held the place of Secretary, succeeded in making his peace with the Secretary of State, and was confirmed in his office (130, 169, 331, 332, 365, 509). But it was recommended that William Cockburne, who had been appointed to succeed Page as

Lord A.
Hamilton.

Cockburne's
appeal.

Deputy Secretary by Lord A. Hamilton, and had been ordered by Lt. Governor Heywood to refund all the profits of that office, should be allowed to appeal to the Privy Council, although the amount involved was less than the £500 sterl., the limit for which Governors were allowed to permit appeals (218, 218 i., 232, 266, 320 i., 366). Another injustice inflicted on a Patent Officer, the Receiver General, was ordered to be remedied, with interest (89, 367).

The case
of the
Kensington
sloop.

Lord Archibald also entered his defence in the matter of the privateers commissioned by him (131, 131 i.-v.), whilst the owners of the *Nuestra Senora de Belem* or *Kensington* sloop, petitioned for nearly £40,000 damages (4, 4 i., ii., 13, 252, 252 i.-viii., 310, 310 i., iii. Cf. C.S.P. 1716-17, pp. xlvii.-liii.), by direct appeal to the Crown. The Council of Trade made some caustic observations upon such procedure, before a regular appeal had been made from the decision of the Admiralty Court of Jamaica, and suggested that reparations were also due for the great losses sustained by H.M. subjects from the Spaniards in those seas (350). Don Juan del Valle, who had been soliciting the cause of the Spaniards in Jamaica, was given an answer in this sense by the Governor and Council, and, as he was suspected of giving information to the Spanish privateers of sailings of Jamaican vessels, he was presently invited to leave the island (131 iv., v., 350, 681, 681 ix.).

Case of the
L'aimable
Marie.

In the case of a French ship, however, seized by some privateer-pirates from Jamaica, directions were given for reparation to be made and for the prosecution of those concerned (591, 591 ii., 606, 643).

Pirates and
Naval
protection.

The effects of the depredations of pirates on the trade of Jamaica and the steps taken to repress them have been indicated in § 1 (54, 64, 271, 522, 566 *etc.*). The newly appointed Governor asked for further naval protection, and at the same time repeated the request of other Governors that the Commanders of H.M. ships should be placed under the immediate direction of the Governor. As it was, instead of devoting themselves to the protection of trade, they were apt to employ themselves in carrying merchandize to Spanish ports.

Trading
by Navy.

Council and
Assembly.

Need of
the two
Independent
Companies.

Sir N. Lawes'
Instructions.

The Council.

Acts
confirmed and
repealed.

Agent for
Jamaica.

The Council of Trade supported this recommendation, (54, 144, 566, 681 iii., 688. Cf. 807). In an address returning thanks for the intended help against pirates, and congratulating the king on the failure of the designed invasion of England, the Council and Assembly promised to provide for the support of the soldiers in the island and all necessary aids to the Revenue (35). They admitted by their action in refusing to spare soldiers for a convoy that the retention of the two Independent Companies against which they had so long been agitating was really a necessity (78). But though they had repaid with high interest the advances made by their Lt. Governor for the subsistence of the forces, and though the payment of the similar debt to Lord Archibald Hamilton was again recommended to them, they continued to refuse it (18 i., 64, 681). On these and other outstanding points of controversy, notably the revenue, the new Governor, Sir Nicholas Lawes, asked for definite decisions before sailing for Jamaica. In preparing his Instructions the Council of Trade consulted him frequently, recognising that his knowledge of Jamaica and Jamaican opinion was intimate. The result of their deliberations was a complete revision of the Governor's Instructions (78, 144, 144 i., 264, 295, 327, 356).

The Council was reconstructed by the removal of those Councillors who had previously been dismissed and then restored in order to form a balanced board, which had so signally failed to justify its appointment (53, 116, 140, 144, 144 i., 264).

A considerable number of Acts were confirmed or repealed, Sir N. Lawes being active in obtaining decisions upon them (96, 108, 168, 181, 311 i., 363, 364, 488). The Acts *to encourage white men to settle and for the effectual discovery of disaffected persons* were allowed to await the report of the new Governor, who advised the repeal of the latter (364, 391, 421, 748, 681).

In the course of these transactions, the Council of Trade emphasised the need of an Agent, appointed by the Council and Assembly, to solicit the passing of laws and conducting the business of Jamaica in London. A bill was brought in for that purpose (488, 682).

Acts laying
duty on
negroes
repealed.

The South Sea Company petitioned against an Act laying a duty upon negroes brought to Jamaica as a port of call and re-exported by them under the Asiento (178 i., 206). Lawes expressed apprehension that its repeal would occasion resentment in the Assembly, and defended the duty (196, 356). Meanwhile the Assembly passed another act doubling the duty on re-exported negroes (206 i., 270, 270 i.). The Council of Trade summed up the position, and the Acts were repealed with the addition of an Instruction to the Governor not to pass any such law for the future, and to observe his Instructions relating to the passing of acts, especially those affecting trade or the royal Prerogative (272, 301, 302, 313).

On his arrival, Lawes recommended the Assembly to pay the debts of the Island by taxing their own estates (681).

Post and
Printing Press
proposed.
Wealth of
Jamaica.

Lawes proposed the establishment of a Post and of a printing press in the Island, under the Governor's license (116). He emphasised the wealth and potentialities of Jamaica (196, 356), whilst proposing the prevention of trade with Hispaniola, against which an act had recently been passed (181, 189).

Lt. Governor's
dormant
Commission.

At his request a Lt. Governor was appointed with a dormant commission (163, 163 i., ii., 175, 180).

Fortifications
and stores
of war.

Objection
to convicts.

Protection
of Jews.

Lawes arrived in his Government at the end of April, 1718 (522). He reported that the fortifications were in a ruinous condition, and asked for a supply of stores of war (303, 681, 681 vi.-viii.). He denounced the convicts who had been transported under the recent Act of Parliament, as a "wicked lazy and indolent people" and expressed the hope that the country would be troubled with no more of them (681). On the other hand, he was instructed to give protection to the Jewish settlers, whose privileges and security there had been some attempt to invade (622).

Parish
Registers.

The parish registers were so badly kept that Lawes warned the Council of Trade that the census they required would be very defective (566).

Jamaica
Coffee House.

The Jamaica Coffee House figures as the centre of Jamaican politics in London (110).

The Leeward
Island.
Queries
the Board
of Trade.

The Council of Trade transmitted to the Governor of the Leeward Islands a list of queries to which they required annual answers (652, 652 i.). Hamilton made some returns of imports and grants of lands, but professed himself unable to obtain from the Councils and Assemblies accounts of the revenue (692). He was permitted to receive the grant of £1000 a year for house rent voted by Antigua, and his Instruction on that point was altered (64, 257 i.; cf. C.S.P. 1716-17, pp. lix., lx.).

Instruction
on Governor's
presents.

Request for
additional
guardships and
stores of war.

The prevalence of pirates, whose presence delayed the Governor from visiting the several islands under his government (*v.* §1 *Pirates*), led him to ask for additional guardships. He also pointed out the inconvenience caused by the men of war being obliged to go to Barbados to victual and refit for lack of suitable accommodation and stores at the Leeward Islands (134, 298, 691, 797, 797 i.-vi.). The request for a grant of stores of war was repeated (200).

Rumour of
Hamilton's
recall.

The rumour that Hamilton was to be superceded elicited protests and testimonials in his behalf (312 i., 319, 411-413, 438, 439).

Excessive
penalties.

In reviewing the Acts before them the Council of Trade remarked upon the excessive penalties imposed by most, and recommended moderation in future laws (171, 570).

Antigua.
Acts confirmed
and repealed.

The Act of Antigua providing that the Court of Chancery should be held before the Governor and Council was confirmed, whilst that establishing a Court of King's Bench, of which the Attorney General had expressed disapproval, was annulled (158, 336, 337. Cf. C.S.P. 1716-17, p. lix.). So, too, was an Act laying a duty on liquors imported, since by it the Assembly endeavoured to acquire a share in the issuing of warrants for payments, a power reserved to Governors with the consent of the Council (722, 802). The Act *to prevent the increase of Papists* was also repealed, as being calculated to drive all Roman Catholics out of the island. In spite of the Jacobite demonstrations of some, this was held to be neither politic nor just (297, 297 i., 309, 335, 462, 470, 515, 584).

The Act for *prohibiting the importation of foreign sugars etc.* was carefully considered. Arguments for and against it were submitted at some length. It went further than the Barbados act which had been confirmed, and objections of considerable weight were made to it by the Customs authorities. The Council of Trade finally advised its disallowance (162, 277, 277 i., 487, 495 i., 530, 547, 611). The Act to *quiet present possessors of lands etc.*, was referred back to the Assembly in order that they might, if they wished, pass a new act not liable to certain objections raised by the Attorney General (297, 532).

Councillor
suspended.

Col. Morris was suspended from the Council by the Governor on the grounds of notorious ill-behaviour. He petitioned to be re-instated (358, 358 i., 359, 359 i.-xii., 477, 491, 570, 736).

Montserrat.
Act referred.

An act of Montserrat for *quieting possessors* was considered by Mr. West to be too one-sided, and the passing of a new act not liable to his objections was recommended to the Assembly (545, 652).

Nevis.
The
Capitulation.

A demand was submitted by the French Envoy for the fulfilment of the conditions imposed by his brother, M. D'Iberville when he raided Nevis (102, 102 i., ii.). The Council of Trade once more examined the contention of the inhabitants that the conditions were imposed upon them by *force majeure*, and were also broken by the French.

The grant
in aid.

They gave their opinion that the matter ought rightly to be settled by Commissaries to be appointed under the Treaty of Utrecht to determine the question of reparations affecting not only Nevis, but also Montserrat and Hudson Bay. In the meantime the French claim for money due for the subsistence of the hostages was declared to be unfounded, and the release of the sole survivor was urged pending the decision of the Commissaries (230). Application to Parliament was being prepared on behalf of those sufferers in Nevis and St. Kitts who were not covered by the terms of the grant in aid (762).

St. Kitts.
Damage by
hurricanes.

Great damage was done to shipping at St. Christopher by storms during "the hurricane time" (40, 230).

Acts.

Some acts were confirmed, but that *for settling estates* was allowed to lie dormant in order that the Assembly might have the opportunity of passing an amended one (408).

The French
lands.Conditions
of sale.

The disposal of the lands in the former French part of the island was still in debate. The Council of Trade made a report to the Treasury of the proposals which had been made to them, and the conditions which they thought should be imposed (7, 7 i., 156, 156 i.). Various estimates of the value of the late French lands were submitted, and several offers for buying the whole outright from the Crown were made in response to an advertisement for tenders by the Treasury. All agreed that the best lands were very valuable for sugar plantations, and that the rest, near the sea and salt-pans, was very poor (6, 7). In view of the variations in the estimates, and in the absence of any reliable survey, the Council of Trade at first recommended that they should be parcelled out into lots and sold at a fixed price per acre. Conditions designed to ensure settlement and the security of the island were to be attached to the sale. They included the reservation of a quit-rent not exceeding 6*d.* per acre. French Protestants were to be continued in their grants, and holders of temporary grants confirmed in their holdings on payment of a fair price. Holdings were not to exceed 200 acres per head, and each grantee was to be obliged to cultivate his lands within a specified time. For every 40 acres a planter must keep one white or two white women within a year after the date of his grant, and after three years the same for every 20 acres. Small holdings of the less valuable land should be granted to poor inhabitants and be unalienable. No Roman Catholics were to be permitted to purchase these lands (7 i., 48 i.). An anonymous writer expressed appreciation of the vote of the House of Commons for the sale of the French lands for what they would fetch, and declared that there was a conspiracy of the inhabitants to depreciate their real value, in order to obtain cheap grants of their plantations (34). Many petitions were entered from planters and others for confirmation of their temporary grants

or permission to buy plantations in this quarter. Such confirmations were conceded, to hold good until the final decision, repeatedly urged by the Council of Trade, should at last be made (560, 574). In a subsequent report the Board was inclined to favour the sale of the lands in one lot to one purchaser under conditions which they outlined (156, 156 i.).

Migration to
Crab Island.

One of the reasons why the Board was anxious that the Treasury should come to an early decision on this matter was to stop the inhabitants of the Leeward Islands from migrating to Crab Island or Sta. Cruz, and to divert them by grants of lands to St. Kitts. But in spite of Governor Hamilton's endeavours (to which they repeatedly urged him) to deter the inhabitants of the Virgin Islands, he had to report that those of Anguilla, growing weary of waiting for those promised grants, had begun to remove to Crab Island, and that their example was likely to be followed, not only by other settlers in the Virgin Islands, but also by the poorer inhabitants of Nevis, St. Kitts and Montserrat, who were feeling the effects of the devastation wrought by the French raids (40, 157, 171, 214, 231, 298, 298 iv.-ix., 329, 408, 442, 487, 692, 692 i.). It was feared that the resulting loss of man-power might prove disastrous to the Leeward Islands, in case of a rupture with France (40, 40 i.).

Hamilton's
visit and
reports.

Hamilton visited the Virgin Islands in Nov., 1717, and reported upon their inhabitants and poverty-stricken condition (298, 298 iv.-ix.). At Crab I. he gave Abraham Howell a Commission as Commandant of the new settlement. But within a few months a Spanish squadron attacked the island, killed several of the inhabitants and carried away others, with their wives, children and negroes, and Howell himself as prisoner to Puerto Rico (425, 442). Governor Hamilton sent H.M.S. *Scarborough* to demand their return from the Governor of Puerto Rico, and to assert the British title to Crab I., and wrote home for further instructions (492, 494 iii., 582, 797). The Council of Trade had already made a full report upon the British title to the Virgin Islands, including St. Thomas, St. Johns and Crab I., in reply

Spanish
raid on
Crab I.

British
title to the
Virgin Islands.

to the claims put forward by the Danish Envoy (8 i.). To this the latter replied (593 i.-iv.), and the Board answered their reply (628 i.). In spite of protests from Governor Hamilton, the Danes from St. Thomas continued to settle on St. Johns I. (298, 298 x., 494, 494 i., ii., 526, 526 i.-vii., 593 i.-iv., 624, 624 i.). But when the Danes heard that the Spaniards were preparing to attack St. Thomas, they actually asked that help should be rendered them from the Leeward Islands! (818 i.).

A present
from the
Leeward
Islands.

Governor Hamilton sent as a present to Mr. Popple “a black-bearded little Lady, the prettiest of the sort that I ever did see” (691).

Newfoundland
Fishery.

The grievance against the New Englanders, that they debauched the Newfoundland fishermen with rum, involved them in debt and carried them off to New England, was renewed. In 1716, it was reported, the English fishing ships lost no fewer than 1300 hands in this fashion. On arriving in New England those who could not pay for their passages were sold as indentured servants. Capt. Passenger, the Commodore, reported that he had endeavoured to stop this practice by forbidding the New Englanders to sail before the departure of the convoy and fishing fleet for home, and by taking bonds from them not to carry off such men. Those who refused to give bonds, he ordered to sail with him. But not one did so (115, 164, 164 i.). He concluded that Newfoundland would be much better off, if they were forbidden to come there at all. He concluded his report by recommending the appointment of a permanent Governor. Discipline and the fishery alike suffered from the flood of New England “stinking rum.” The Fishing Admirals only looked after their own interests, and for ten months in the year the island was practically without government. In the absence of the ships of war, “he that is strongest is the best man.” The Council of Trade had suggested that he should submit the name of any inhabitant whom he thought fit to act as Governor during the winter. He declared himself unable to do so (115, 164, 626 i., ii.). Capt. Scott, the next Commodore, was instructed to oblige all New England ships to sail with him. He took

bonds from them, and threats of prosecution had some effect (394, 751, 751 i., ii.).

Representation
by Council
of Trade.

Following on these reports and that of the Comptrollers of the accounts of the Army, and their own given in the previous volume, the Council of Trade submitted a long and important representation on Newfoundland and the Fishery (798), and, in pursuance of it a draft of a bill for remedying the abuses in the Newfoundland trade (808 i.). They were in favour of removing all the inhabitants to Nova Scotia. Col. Phillips, appointed Governor of Placentia and Nova Scotia, was likewise in favour of curtailing the New Englanders' share in the trade and fishery (507, 550).

Tulon and
the Fishing
Admirals.
The Survey.

The case of Tulon and the Fishing Admirals was finally settled (64, 318, 370 i., 527). The Board recommended that Capt. Taverner should be rewarded for his services, and that the survey of Newfoundland should be completed (546).

Important
Repre-
sentations.

The most important documents in this volume are the revised Instructions of the Governor of Jamaica (144, 144 i.), and the representations upon the British title to the Virgin Islands (81, 628 i.), and the right to logwood-cutting in Campeche Bay (104 i.), and that upon the Newfoundland trade and fishery (798).

CECIL HEADLAM.

The documents calendared in the following pages are included in the volumes of the Colonial Office Records preserved at the Public Record Office and listed as follows :—

C.O. 5, 4 ; 5, 12 ; 5, 189 ; 5, 290 ; 5, 382 ; 5, 383 ; 5, 508 ; 5, 717 ; 5, 720 ; 5, 866 ; 5, 867 ; 5, 915 ; 5, 971 ; 5, 995 ; 5, 1019 ; 5, 1051 ; 5, 1052 ; 5, 1079 ; 5, 1123 ; 5, 1124 ; 5, 1233 ; 5, 1265 ; 5, 1293 ; 5, 1318 ; 5, 1335 ; 5, 1342 ; 5, 1364 ; 5, 1365 ; 23, 1 ; 23, 12 ; 23, 13 ; 24, 1 ; 28, 13 ; 28, 15 ; 28, 16 ; 28, 39 ; 28, 43 ; 29, 13 ; 29, 14 ; 37, 10 ; 37, 24 ; 38, 7 ; 116, 21 ; 116, 22 ; 137, 12 ; 137, 13 ; 137, 46 ; 137, 51 ; 138, 15 ; 138, 16 ; 152, 12 ; 152, 13 ; 152, 39 ; 152, 42 ; 153, 13 ; 194, 6 ; 194, 23 ; 195, 6 ; 216, 21 ; 217, 2 ; 217, 3 ; 217, 31 ; 217, 38 ; 218, 1 ; 253, 1 ; 314, 1 ; 319, 2 ; 323, 7 ; 324, 10 ; 324, 33 ; 324, 49 ; 388, 77 ; 389, 26 ; 389, 37.

NOTE. *etc.* printed in italics in the course of the text indicates that matter merely repeated or of no importance is there omitted. Words printed in italics between square brackets [*thus*] are suggestions by the Editor where the MS. is rubbed or torn.

The reference "A.P.C." is to the printed Acts of the Privy Council, Colonial Series.

COLONIAL PAPERS.

1717.

1717.
Aug. 1.

1. Mr. Attorney General to the Council of Trade and Plantations. Your Lordships informed me that when I should send the draught of the Proclamation for pardoning of pirates (*v.* July 15), you would give me your assistance, *etc.* When the draught of the pardon was made, all piracies were excepted, nevertheless such pirates, who should surrender themselves by a day to be prefixt were to be pardoned. But on further consideration thereof, the Nevertheless *etc.* was left out, and the exception of pirates remained absolute, it being then intended to issue a pardon by Proclamation for pirates, on such terms as should be thought proper. Whereupon I was commanded to prepare the Proclamation for that purpose with your Lordships' assistance *etc.* (*v.* July 15). I have now prepared the draught, which is submitted to your Lordships, *etc.* *Signed*, Edw. Northey. *Endorsed*, Recd, 2nd, Read. 7th Aug., 1717. 1 *p.*. *Enclosed*,

1. i. Draught of H.M. Proclamation for suppressing of pyrates, referred to in preceding. 2½ *pp.* [*C.O.* 323, 7. Nos. 104, 104 i.; and 324, 10. *pp.* 127–131.]

Aug. 2.
Barbados.

2. Governor Lowther to Mr. Secretary Addison. Recommends following as a proper object of H.M. clemency. *Signed* Robt. Lowther. *Addressed*. ½ *p.* *Enclosed*,

2. i. Petition of Lucy Harwood, to the King. In 1716, Depo-
nent's late husband Richard, accidentally met in the
highway and fought with Emanuel Healis. Her son
Richard hastening up to prevent mischief arrived after
her husband was shot dead by Healis, who also had
received wounds of which he died. Richard jr. appre-
hending himself to be lyable to be questioned for the
death of Healis, withdrew from the Island *etc.* *Prays*
for H.M. pardon of his offences. *Signed*, Lucy Har-
wood. 1 *p.* [*C.O.* 28, 43. *pp.* 455, 456.]

Aug. 2.
Hampton
Court.

3. Mr. Secretary Addison to the Council of Trade and Plantations. Refers following for their report. *Signed*, J. Addison. *Endorsed*, Recd. 6th, Read 9th Aug., 1717. ¼ *p.* *Overleaf*,

3. i. Petition of Sir Alexander Cairnes Bart., James Douglass
and Joshua Gee, merchants, on behalf of themselves
and others, to the King. *Pray* for a grant of land in
Nova Scotia for a settlement 5 leagues to the S.W. and

1717.

5 leagues to the N.E. of the River and Harbour of Chiboutou etc. French. 1 p.

3. ii. English version of preceding. [*C.O.* 217, 2. Nos. 33, 33 i., ii. ; and (*without enclosure* i.) 218, 1. pp. 327-329.]

Aug. 2.
Hampton
Court.

4. Mr. Secretary Addison to the Council of Trade and Plantations. Refers following for their report. *Signed*, J. Addison. *Overleaf*,

4. i. Petition of Bernardo de Guardia and Peter Diharce to the King. Petitioners having attended the Council of Trade and Plantations upon their former petition (June 15), were informed that they not having particularly mentioned the damages, losses, proffitts and intrest they have susteyned, or which they would necessarily have gained by the voyage of the *Nostra Signora de Bethleem*, their Lordships could not in pursuance of the reference take any notice thereof. At a moderate computation these amount to £37,485 sterling. *Pray* H.M. order that satisfaction be made etc. *Signed*, Bernardo de Guardia, Peter Diharce. *The whole endorsed*, Recd. 6th, Read 9th Aug., 1717. 1 $\frac{1}{4}$ pp. *Enclosed*,

4. ii. Details of above estimate. *Signed as preceding*. 1 p. [*C.O.* 137, 12. Nos. 55, 55 i., ii. ; and (*enclosure 1 only*) 138, 15. pp. 281-283.]

Aug. 6.
Whitehall.

5. Council of Trade and Plantations to Mr. Secretary Addison. Enclose following to be laid before H.M., "appearing to us to be matters of very great consequence to the Trade of this Nation." *Autograph signatures*. 2 pp. *Enclosed*,

5. i. Copies of letter etc. from Lt. Gov. Spotswood, 31st May, 1717, relating to seizures by Spaniards and increase of pirates. [*C.O.* 5, 1342. Nos. 4, 4 i.-v. ; and (*without enclosures*) 5, 1364. pp. 487, 488.]

[Aug. 6.]

6. Daniel Bolton to the Council of Trade and Plantations. The late French part of St. Christophers contains 30,000 acres whereof 20,000 are the best in all the Leeward Islands for sugar canes, the other 10,000 acres are fit for graising and producing cotton and indico. £60,000 has been offered for the said lands etc. All or most of the Proprietors of St. Christophers, who were plundered by the French to whom debentures have been made out for the losses they sustained, had large plantations granted them of the sd. French lands, who still hold(s) the same rent free (and ever since the said Island was invaded by the French) out of which they have raised considerably more mony, than the losses they sustain'd by the said invasion, besides the intrest they have received from the Crown on their said debentures. The said 10,000 acres are worth £10 pr. acre. Mr. Buckridge the late Collector of Antego delivered an estimate thereof to the late Lord Bolingbroke at £20 pr. acre, but the reasons why his Lordship stifled that estimate is obvious. The other 10,000 acres

1717.

which lyes adjacent to the salt ponds are by a modest computation worth 20 /s. pr. acre, besides what the salt ponds may produce. The town of Basse Terre, containing between 50 and 60 houses, will yield the Crown £4000, which the present possessors are willing to pay. *Total*, £214,000. *Signed*, Danl. Bolton. *Endorsed*, Recd. Read 6th Aug., 1717. 2 pp. [C.O. 152, 12. No. 7.]

Aug. 7.
Whitehall.

7. Council of Trade and Plantations to the Lords Commissioners of H.M. Treasury. *Transmit* copies of papers already made in reply to 17th July *etc.* *Continue*;—The rest shall be sent as soon as possible. But in the mean time having seen your Lordps.' advertizement in the Daily Courant and Gazette, whereby you have been pleased to direct such persons as are willing to purchase the said lands, to lay their proposals for that purpose before us on or before the 24th day of this instant August, we thought it necessary to acquaint your Lordps. that we have already made some progress in our enquiries concerning the value of the said lands. But as we have no survey of the same and as the accounts we have received from such persons as we have discoursed upon this subject do vary extreamly, not only in the value, but likewise in the number of acres contained in the late French part of St. Christophers; we are of opinion it will be most for the advantage of the publick that the lands should be parcell'd out into lots, and sold at a certain value per acre. But as the persons designing to purchase must be at a loss in what manner to turn their proposals, we would beg leave to submit to your Lordships whether it may not be convenient that they should be apprized of the annexed conditions; which we conceive necessary for the settlement and security of the Island, being in great measure the same that have been proposed in former reports by this Board. If your Lordps. shall approve of these preliminary conditions or any of them, we shall be glad to know your sentiments thereupon, that if you think proper the same may be communicated to the persons who are to make their proposals before we receive the same, whereby in our opinion much time may be saved. When we shall have received and considered the proposals that will be laid, relating to this matter, we shall take the liberty to offer your Lordps. what may further occur to us as necessary towards the better settlement of the said Island. *Annexed*,

7. i. Preliminary conditions proposed for purchases of lands in the late French part of St. Christophers. (i) A quit-rent not exceeding 6d. pr. acre to be reserved. New purchasers to be liable to the $4\frac{1}{2}$ p.c. Plantation duty, and all laws, customs and usages now in force in the English part. (ii) 3000 acres lying most contiguous to the sea, and not proper for sugar-canes, to be given gratis in small plantations from 8 to 10 acres to poor families *etc.* to be held *in capite* and unalienable. (iii) The salt ponds to be reserved for the use of the Island in common. (iv) The French Protestants' lands,

1717.

which they lost upon account of their religion and which upon that consideration have been regranted to them by H.M. shall continue in their possession, subject to the same quit-rents, tenures and imposts as the new purchases. (v) Such parcells of improvable lands, as are at present held by any intermediate lease from the several governmts. of the Leeward Islands shall continue in the possession of the present planters, provided they will pay a just value for the same, and hold their lands under such conditions as the other purchasers *etc.* (vii) No one person shall be allowed either now or hereafter to purchase above 200 acres of such land now to be disposed of, as shall be deemed plantable for sugar canes, and whoever is already possessed of a plantation in the said Island or any other of the Leeward Islands, if it already exceed 200 acres of the plantable land, shall not be admitted to be a purchaser *etc.* (vii) Each grantee to be obliged to cultivate the lands in a certain limited time, and for every 40 acres to keep one white man or two white women within a year after the date of their grant or bill of sale, and one white man or two white women for every 20 acres three years after the sd. date. (viii) The ground not adjudged improvable, if the same will not produce upon sale any considerable sum, to be reserved in the hands of the Crown, till a further demand for land in the said Island may render the same more valuable, or given gratis *in capite*, to poor inhabitants in the same proportions, and under the same conditions with the 3000 acres on the sea coast. (ix) No Roman Catholicks shall be admitted purchasers of any of the lands now to be disposed of. [C.O. 153, 13: pp. 61-66.]

Aug. 9.
Whitehall.

8. Council of Trade and Plantations to Mr. Secretary Addison. Enclose following, in reply to 11th May, to be laid before H.M. *Annexed*,

8. i. Council of Trade and Plantations to the King. *Representation upon the pretensions of the Danes to St. Thomas and the little Isles about it.* By the copy of the letter of King Charles II (v. C.S.P. ix. Sept. 23, 1672) which the Danish Envoy has produced, it does not appear that H.M. gave directions against molesting the subjects of the King of Denmark upon any other Island or Colony to which H.M. of Great Britain had a right, except that of St. Thomas; but that in the same letter it is required and commanded that H.M. Governor forbear and forbid the doing of anything that may give just cause of unkindness between his Majesty and the King of Denmark, and to shew and exercise all acts of friendship to the inhabitants of the aforesaid Island of St. Thomas and all other the subjects of the said King of Denmark in the

1717.

West Indies, upon express condition, that they the said subjects of the King of Denmark in the mean time do nothing contrary to his Britannick Majesty's right in his Colonies Islands and Plantations there etc. That by the expression *all other the subjects of the said King of Denmark in the West Indies*, was meant of no other settlement besides St. Thomas, and such Danish subjects as might be met with at sea by the subjects of Great Britain, or who might have occasion to touch at any of the Colonies belonging to H.M. of Great Britain, we humbly conceive appears by the subsequent Instructions given to the Governors of the Leeward Islands and other entries we find in the books of our Office which we take leave to mention to your Majesty as follows. Refer to Sir W. Stapleton's letter 11th Nov., 1682, and Representation thereupon, Order in Council 28th Feb., 1682, and Instruction to Governor Stapleton 7th May, 1683 (to assert the right of England to the Virgin Islands), Order in Council, Nov. 14, 1683 (directing Sir W. Stapleton to seize the Governor of St. Thomas *etc.*), Lord Sunderland's letter 19th Feb., 1684, Representation 13th May, 1684, Order in Council 15th May, 1684, letters of Sir W. Stapleton 28th Oct., 1684, and Governor Sir Nath. Johnson 20th Feb., 1688, Mr. Blathwayt's report, 6th July 1688, (that Crab Island is one of the Virgin Islands), Governor Sir N. Johnson's letter 2nd June, 1688, *etc.* For these documents v. *C.S.P.* 1682-1688. *Continue*:—From which passages abovementioned it may be observed that Tortola and Anguilla were inhabited by subjects of Great Britain, and that if the Danes had ever any settlemt. on Crab Island or any of the Islands adjacent besides St. Thomas, it would probably be mentioned, which we have not found in any of the books or papers before us. It having been represented to King William that some foreigners endeavoured to settle on Crab Island, H.M. was pleased to give Instructions 4th Dec., 1694 to Governor Codrington requiring him "to assert H.M. title to all the Virgin Islands, so that the subjects of any foreign Prince or State whatsoever be not permitted to settle in any of the said Islands except St. Thomas which had been for some time in possession of the subjects of the King of Denmark, who were likewise to be given to understand that in case they should at any time act in prejudice to H.M. right of Sovereignty in those Islands that the King of Denmark had no good title to St. Thomas itself," *etc.* Which Instruction has been continued to all the succeeding Governors, and by your Majesty to Governor Hamilton, and the same being as we humbly conceive very much for your Majesties service, we can by no means presume to advise any alteration therein. [*C.O.* 153, 13. pp. 66-75.]

1717.

Aug. 9.
Whitehal.

9. Mr. Popple to Sir Edward Northey. *Gives suggestions from the Board for draught of proclamation concerning pirates* (Aug. 1st.) The time limit to be one year from the date of the Proclamation. The reward for apprehending a pirate commander to be £100, and for other officers £40 and £30, and private men £20. The men of any pirate vessel seizing their Commander to receive double the reward. *Concludes* :—Their Lordships finding that Henry Every *alias* Bridgman was excepted in the last Proclamation, desire you to consider whether it may not be proper to except him in this. [C.O. 324, 10. pp. 131, 132.]

Aug. 12.
Jamaica.

10. Peter Heywood, Commander in Chief of Jamaica, to the Council of Trade and Plantations. Since my last, I have reced. from a gentleman that was taken prisoner by the Barbadoes pyrate a parcell of papers wch. as he gave me account he had saved from the pyrates (seeing them directed for H.M. Governr. of Jamaica) who had taken the same on board a sloop bound for the Havanna from La Vera Cruiz, and altho' I know not what to write to those prisoners who are at La Vera Cruz, if an opportunity shd. offerr, I thought it my duty to remit coppys of them to your Lordships for directions if you shall think it necessary. We have account of pyrates from all parts, soe that 'tis with great hazard ships come to us, wch. has occasion'd a great scarcity of all sorts of provisions. Capt. Candler in H.M.S. *Winchelsea* is gone for Porto Vela and H.M. two sloops ye *Swift* and *Tryall* by his orders follow'd him sayleing from Portroyall ye 5th instant, soe here is only left for the defence of this Island, ye *Adventure* who has put up notices at Portroyal and Kingston that he will take under his convoy to see them thro. the Windward passage all such ships as will be ready to sayle ye 14th instant. The Assembly of our Island met according to prorogation ye 7th instant nothing of moment as yet has offerrd to signifye to Your Lords. but by the next opportunity shall prepare their Minutes and send them. *Signed*, Peter Heywood. *Endorsed*, Reed. 28th Oct., Read 19 Nov., 1717. 1 p. *Enclosed*,

10. i Duplicate of July 3rd.

10. ii. Capt. Beverley, of Virginia, to the Govr. of Jamaica. Vera Cruz, March 6, 1716. Fresh intelligence in May last informed the Governor of Virginia that some pyrates had landed on the Island of Providence within his jurisdiction as Admirall, to the disturbance of the inhabitants, some of whom removed to Virginia and brought news from Providence that a wreck was dayly expected to be found there, and also that provisions were scarce, *etc.* Encouraged by the Governor, who gave me the enclosed credentials and instructions and furnished me with the King's arms *etc.*, I sailed in a new sloop loaded with provisions and in my passage to Providence on 5th July was taken by a Spanish man of war *St. Juan Baptista* commanded by Don Joseph Rocher de la pena rere Admirall of their Barlevento squadron, who did have no regard to my credentials but

1717.

- carried me prisoner with him to Vera Cruz, Sept. 12th, and have been kept prisoner ever since, where some of my men for want of subsistence are dead, and the Vice-roy in Mexico has condemned my sloop without suffering me to appear or speak one word for myself or knowing what is said against me, my men indeed are now suffered to embark to Cuba, but the Vice-Roy's orders is that myself shall be kept a prisoner, so that I cannot expect relief in any reasonable time from Virginia it being at such a distance, *etc.* *Prays* for H.E. assistance. *Signed*, Harry Beverley. *Endorsed as preceding.* 1½ pp.
10. iii. Testimonial by Lt. Governor Spotswood, in favour of Capt. Beverley. Williamsburgh, 15th June, 1716. *Signed*, A. Spotswood. *Same endorsement.* *Copy.* 1 p.
10. iv. Lt. Governor Spotswood's Instructions to Capt. Beverley to proceed to the Bahamas and to enquire about the pirates at Providence, the state of the Islands, and wrecks upon H.M. coasts *etc.* *Signed, dated and endorsed as preceding.* *Copy.* 3 pp.
10. v. Certificate that Nos. iii. and iv. are true copies. Vera Cruz, March 5, 1717. *Signed*, Josiah Nixon, A. Duncan. 1 p.
10. vi. Additional Instruction from Lt. Governor Spotswood to Capt. Beverley. If you meet with any Spanish Commissioner for enquiring into the affair of the wrecks on the coast of Florida, you are to acquaint them that Josiah Forbes master of a sloop belonging to Philadelphia having come into this Colony and being suspected of taking away by force plate and other goods from the Spaniards on that coast is under confinement here untill he shall give bail to answer what shall be laid to his charge *etc.* *Signed, dated and endorsed as No. iii.* *Copy.* 1 p.
10. vii. Affidavit by Capt. Beverley that the sloop *Virgin* was built in Pianetank River, 1716, and is owned by himself and Walter Keeble. Williamsburgh, 23rd April, 1716. *Signed*, Harry Beverley. *Endorsed*, Recd. 28th Oct., Read 19th Nov., 1717. *Copy.* 1 p.
10. viii. Deposition of some of the crew of the sloop *Virgin* in confirmation of No. ii. *etc.* Vera Cruz, 9th Dec., 1716. 30 signatures. *Same endorsement.* 1¾ pp. [C.O. 137, 12. Nos. 98, 98 i.-viii.; and (without enclosures) 138, 16. pp. 8-12.]

Aug. 13.
Tunbridge
Wells.

11. Sir Alexander Cairnes to Mr. Popple. Excuses himself from attending the Board, owing to his "being here drinking the waters." Hopes for the Board's favourable report, the district desired being so small, and the undertakers disclaiming any inclination to have the power of government, *etc.* (v. Aug. 2.) *Signed*, Alex. Cairnes. *Endorsed*, Recd. Read 14th Aug., 1717. *Addressed.* 1 p. [C.O. 217, 2. No. 34; and 218, 1. pp. 329, 330.]

1717.

Aug. 13.
N. York.

12. Governor Hunter to Mr. Popple. *Encloses* Naval officer's accounts. Mr. Huddy and Mr. Parker two of the Council of the Jerseys are lately dead and Mr. Byerley is little better and Mr. Deacon through age unable to attend. *Recommends* Peter Tretwell and John Wells in the Western Division and John Read in the Western in their room *etc.* "I have some hopes of ye pleasure of embracing you next Spring" and not till then, *etc.* *Signed*, Rd. Hunter. *Endorsed*, Recd. 28th Sept., Read 14th Nov., 1717. *Holograph*. $1\frac{1}{2}$ pp. *Set out*, N.J.Arch. 1st Ser. II. 326. [C.O. 5, 971. No. 16; and 5, 995. p. 395.]

Aug. 14.

13. Agents for the owners of the *Nostra Signora de Bethleem* to the Council of Trade and Plantations. Rectify some mistakes in former claim (v. Aug. 6th.) *Endorsed*, Recd. Read 14th Aug., 1717. 1 p. [C.O. 137, 12. No. 56.]

Aug. 15.
London.

14. George Bampfieild to Mr. Popple. One Mulford having printed and given about some papers against Brigadr. Hunter, which I doubt not will appear to their Lordships to be frivolous and vexatious like the other complaints that have been made against him, *prays that* they may be transmitted for his answer *etc.* *Signed*, Geo. Bampfieild. *Endorsed*, Recd. Read 15th Aug., 1717. 1 p. [C.O. 5, 1123. No. 30.]

Aug. 15.
Whitehal.

15. Council of Trade and Plantations to Mr. Secretary Addison. *Refer* to letter of 22nd July in reply to 12th July. *Enclose* copies of Lt. Governor Spotswood's letter of 30th May and accounts, and submit his proposal for the payment of the debt on the establishment out of the Quit-rent fund *etc.* *Autograph signatures*. 2 pp. *Enclosed*,

15. i.-iii. Copies of C.S.P. 1716-17, Nos. 590, 590 i., ii. [C.O. 5, 1342. Nos. 5, 5 i.-iii.; and (without enclosures) 5, 1364. pp. 495-497; and (rough draft) 5, 1335. pp. 203-205.]

Aug. 15.
London.

16. Christopher Stoddard to the Council of Trade and Plantations. Having been a great sufferer in 1706 as a planter in St. Christophers, petitioner obtained a grant of a former French plantation from General Douglass; General Hamilton without colour of reason ejected him and gave the same to Mr. James Milliken at Nevis, upon which Stoddard came over to London to lay his case before H.M. Petitioner had improved this plantation of 60 acres so that, whereas it was worth £3 pr. acre, now it is worth £5, which he now offers to pay, or asks to be allowed for his improvements, if sold to another *etc.* *Signed*, Christopher Stoddard. *Endorsed*, Read 28th Aug., 1717. $2\frac{1}{2}$ pp. [C.O. 152, 12. No. 21.]

Aug. 15.
London.

17. Eliz. Buxton, Widow, to the Council of Trade and Plantations. Proposes to buy a plantation in the late French part of St. Christophers, of 150 acres for £300 sterl. *Signed*, Eliz. Buxton. *Endorsed*, Read 28th Aug., 1717. $\frac{3}{4}$ p. [C.O. 152, 12. No. 26.]

1717.

Aug. 16.
Whitehall.

18. Council of Trade and Plantations to Mr. Secretary Addison. Enclose following to be laid before H.M. *Autograph signatures.* 1 p. *Enclosed,*

18. i. *Same to the King. Representation in reply to July 17th.* We humbly conceive that your Majesty's most gracious orders may fitly be renewed (v. May 13, 1715) to Sr. Nicholas Laws, who is now going your Majesty's Governor of Jamaica, that £2706 6s. 3d. may be paid Lord A. Hamilton out of the first and readiest of the Revenue of that Island unappropriated, and in case the intire revenue is appropriated, that your Majesty may be pleased to give your Instructions to Sr. Nich. Lawes, that he do recommend to the Assembly at their next meeting in the most effectual manner, to make provision for so just a debt. And in regard Lord A. Hamilton and the late Council of Jamaica have been long out of their money, we have no objection why your Majesty may not order interest to be paid for it at the ordinary rate of interest in Jamaica. We humbly conceive such an allowance the more reasonable, since we find by an Act passed there the 10th of Nov. last, a greater interest was directed to be allow'd to Coll. Heywood for mony advanc'd by him on the like service. As to the arrears of salary and some other debts claim'd by the Lord A. Hamilton out of the Revenue of Jamaica, we are humbly of opinion that Sr. Nich. Lawes upon his arrival there will best judge thereof, whom your Majesty may be graciously pleas'd to direct to cause payment to be made of what shall appear to be justly due to his Lordship. *Autograph signatures.* 3 pp. [C.O. 137, 46. Nos. 26, 26 i. ; and 138, 15. pp. 288–291.]

Aug. 17.
Hampton
Court.

19. Copy of H.M. Commission to Col. Richard Phillips to be Governor of the Province of Nova Scotia or Acadia and the Town and Garrison of Annapolis Royal etc. *Countersigned,* J. Addison. *Endorsed,* Recd. 6th, Read 7th March, 17 $\frac{1}{2}$ s. *Copy.* $\frac{3}{4}$ p. [C.O. 217, 2. No. 38 ; and 324, 33. p. 100.]

Aug. 17.
Hampton
Court.

20. H.M. Commission to Col. Richard Phillips to be Governor of the town and garrison of Placentia. *Countersigned,* J. Addison. *Endorsed as preceding.* *Copy.* $\frac{3}{4}$ p. [C.O. 194, 6. No. 41 ; and 324, 33. p. 101.]

Aug. 21.
London.

21. William Fenton to the Council of Trade and Plantations. Proposal to purchase 200 acres of land in the French part of St. Christophers, where, after suffering much in defence of the same, 1706, he now cultivates a plantation, paying $\frac{1}{5}$ th of the net produce, a vast rent etc. *Signed,* Wm. Fenton. *Endorsed,* Read 28th Aug., 1717. $1\frac{1}{2}$ pp. [C.O. 152, 12. No. 18.]

Aug. 22.
Whitehall.

22. Mr. Secretary Addison to the Council of Trade and Plantations. I have laid before H.M. your Lops.' letter of the

1717.

3rd of July last. H.M. is very well satisfied with the conduct of Governor Hunter, which you will please to signify in such a manner, as you shall think the most likely to silence such reports, and defeat such practices for the future, *etc.* *Set out*, N.J. Arch. 1st ser. iv. 327. *Signed*, J. Addison. *Endorsed*, Recd. 22nd, Read 30th Aug., 1717. 1 p. [C.O. 5, 971. No. 15; and 5, 995. pp. 336, 337.]

Aug. 22.
Treasury
Chambers.

23. H. Kelsall to Mr. Popple. The Lords Commissioners of the Treasury *refer following* to the Council of Trade and Plantations for their report. *Signed*, H. Kelsall. *Endorsed*, Recd. 22nd Aug., Read 25th Sept., 1717. 1 p. *Enclosed*,

23. i. Draft of H.M. Grant of Land in Nova Scotia, 12 miles by 12 including Cape Dore in the Bay of Fundy, for 31 years, *etc.* $2\frac{3}{4}$ pp. [C.O. 217, 2. Nos. 36, 36 i.; and (without enclosure) 218, 1. pp. 333.]

Aug. 22.

24. Thomas Johnson to the Council of Trade and Plantations. Having observ'd the advertizement in the Daily Courant, proposes to purchase the whole of the late French part of St. Christophers for £61,000. *Signed*, Tho. Johnson. *Endorsed*, Read 28th Aug., 1717. $\frac{3}{4}$ p. [C.O. 152, 12, No. 19.]

Aug. 22.
London.

25. John Smith to the Council of Trade and Plantations. Proposal on behalf of Henry Rawlings, now residing in St. Christophers and having no lands there, to purchase a certain plantation of 70 acres in the late French part, for £5 sterl. pr. acre. *Signed*, John Smith. *Endorsed*, Read 28th Aug., 1717. $\frac{3}{4}$ p. [C.O. 152, 12. No. 20.]

Aug. 22.
London.

26. Humphry and Robert South and Saml. and Joseph Travers, on behalf of Geo. Liddell and Robt. Clayton, to the Council of Trade and Plantations. Propose to purchase their two improved plantations in the late French part of St. Christophers for £5 pr. acre. These plantations were confirmed to them by H.M. *etc.* v. *encl.* 1. *Signed*, Humpry. and Robt. South, Saml. and Joseph Travers. *Endorsed*, Read 28th Aug., 1717. 2 pp. *Enclosed*,

26. i. Copy of H.M. Warrant confirming grant of two plantations to Geo. Liddell and Robt. Clayton for $2\frac{1}{2}$ years *etc.* St. James's, 7th May, 1712. $2\frac{1}{2}$ pp.

26. ii. Copy of Governor Parke's grant to above 3rd Dec., 1708, in pursuance of H.M. order 6th Dec., 1705, for $2\frac{1}{2}$ years, with an equitable title to H.M. bounty for them in case the whole Island should remain to the English the next Treaty of Peace, *etc.* 2 pp. [C.O. 152, 12. Nos. 22, 22 i., ii.]

Aug. 22.

27. John Smith, Agent for the widow of John Thornton, to the Council of Trade and Plantations. Proposal to purchase on her behalf, at £6 sterl. pr. acre, 200 acres of a plantation in the late French part of St. Christophers, temporarily confirmed by

1717.

H.M. to the late John Thornton, and improved by him. *Signed*, John Thornton. *Endorsed*, Read 28th Aug., 1717. $\frac{3}{4}$ p. [*C.O.* 152, 12. No. 24.]

Aug. 22. **28.** Richard Bankes to the Council of Trade and Plantations. Proposes to purchase the whole of the late French part of St. Christophers, excepting the salt pans and poorest lands adjoining, and resell it in parcels *etc.* at £6 sterl. per acre, *etc.* upon certain conditions. *Signed* Richd. Bankes. *Endorsed*, Read 28th Aug., 1717. 4 pp. [*C.O.* 152, 12. No. 11.]

Aug. 22. **29.** Peter Cabibel of London, Merchant, to the Council of London. Trade and Plantations. Prays that he and his partner, Peter Soulegre, who were ruined by the war and the French invasion of St. Kitts, 1705, may be confirmed in the grants of two plantations made to them by Danl. Smith and Lt.-General Mathew, which they have improved with great cost. They offer to pay the same price as the untilled land in the French ground is sold for, *etc.* *Signed*, Peter Cabibel, Senior. *Endorsed*, Read 28th Aug., 1717. $2\frac{1}{2}$ pp. [*C.O.* 152, 12. No. 15.]

Aug. 23. **30.** Micajah Perry, Joseph Martyn, Humphrey and Robert South and John Mills to the Council of Trade and Plantations. As agents for planters *in following list*, pray that they may be confirmed in the grants of plantations in the late French part of St. Christophers, made to them by several governors, and improved by them. Offer to pay £5 per acre *etc.* *Conclude*; Which method of disposing of the French part of the island to the present possessors for a reasonable value will the most effectually tend to the speedy settling, strengthening and improving the said island *etc.* *Signed*, Micajah Perry, Joseph Martyn, Humphrey and Robert South, John Mills. *Endorsed*, Read 28th Aug., 1717. 2 pp. *Enclosed*,

30. i. List of plantations of 50 to 300 acres, applied for in preceding, on behalf of Col. Michael Lambert, Col. Cha. Payne, John Willet, John Holden, Githes McArthur, John Orton, Jno. Burreau, Robt. Robertson, John Poxon, James Ward, Ralph Willet, Tim. Hare, Edwd. Parson, Jno. Seaburne. *Total acreage*, 2,740. 1 p. [*C.O.* 152, 12. Nos. 16, 16 i.]

Aug. 23. **31.** Lt.-Governor Daniel Smith and John Smith to the Council London. of Trade and Plantations. Propose to purchase, in behalf of Richard Abbot of Nevis, the house and 250 acres of land in the French part of St. Christophers granted to him by Governor Codrington for service at the taking thereof *etc.*, for £6 sterl. per acre. *Signed*, Danl. Smith, John Smith. *Endorsed*, Read 28th Aug., 1717. 1p. *Overleaf*,

31. i. Copy of Governor Codrington's grant of above for $2\frac{1}{2}$ years *etc.* 7th April, 1704. *Signed*, Chr. Codrington. 1 p. [*C.O.* 152, 12. Nos. 29, 29 i.]

1717.

Aug. 23.
London.

32. James Butler to the Council of Trade and Plantations. Proposals for certain plantations in the late French part of St. Christophers for himself. and for Thomas Fenton and Capt. Jno. Williams of St. Christophers, at £6 per acre, and for another for James Jackson at £5 per acre. *Signed*, James Butler. *Endorsed*, Read 28th Aug., 1717. 1 p. [C.O. 152, 12. No. 14.]

Aug. 23.
London.

33. Robert Heysham to the Council of Trade and Plantations. Proposal, on behalf of the widow of Col. John Panton, for a plantation of 200 acres in the late French part of St. Christophers, improved by her, for £5 pr. acre *etc.* *Signed*, Robt. Heysham. *Endorsed*, Read 28th Aug., 1717. $\frac{3}{4}$ p. [C.O. 152, 12. No. 31.]

Aug. 23.
St.
Christophers.

34. "Philo Patria" to the Council of Trade and Plantations. I cannot sufficiently extoll that beneficial vote of the House of Commons for the sale of the French lands here for the most that can be got for them. For the inhabitants have been long conspiring to depreciate the real values of them, and in laying of schemes to obtain grants of their possessions for almost nothing *etc.* These lands are much the richest of all the Leeward Islands. The inhabitants will give from £4 to £7 per acre *etc.* The temper of the inhabitants is such, that they will sooner give a price to a private person, than the Crown *etc.* *Urges* a speedy disposal, "for at present many givan under the Government of the present Captain Generall, who turns whom he pleases out of the plantations, reaps the crops, or grants them to favorites" *etc.* *Signed*, Philo Patria. *Endorsed*, Recd. Read 1st. Oct., 1717. *Addressed*. 2 $\frac{1}{2}$ pp. [C.O. 152, 12. No. 42.]

Aug. 23.

35. Governor, Council and Assembly of Jamaica to the King. *Congratulate H.M. upon* the securing your Kingdoms against the danger of invasion from the Pretenders Swedish abettor. We cannot sufficiently acknowledge your Majesties tenderness in the reliefe designed us against pirates, by your ships of warr sent for the service of this island, when your affairs at home required so great an appearance in the Sound and other Stations; and as the cause of that necessary preparation is succesfully ceased, we are the more incouraged to hope yr. Majesties protection will yet attend our trade with Great Britain. Your Majesties early condescention in declaring your royall inclination towards our better establishment, by your gracious letter to ye late Governor, has (it's hoped) had the desired influence on ye present Legislature of your Island, neither shall we (according to the respective parts we beare in it) be wanting to your further expectation, in providing for your officers and soldiers now in this Island, and granting all necessary aids to your Revennue" *etc.* *Signed*, Peter Heywood, Pe. Beckford, Speaker, S. Page Cl. Con. 1 large p. [C.O. 137, 51. No. 71.]

Aug. 24.

36. Nathaniel Carpenter, on behalf of John Hulstum of Nevis, to the Council of Trade and Plantations. Proposal to purchase one plantation in the late French part of St. Christophers for

1717.

£200, and another of 150 acres for £500. *Signed*, Nath. Carpenter. *Endorsed*. Read 28th Aug., 1717. 1 p. [C.O. 152, 12. No. 27.]

Aug. 24. **37.** H.M. Warrant appointing Peter Capon Commissary of the Stores of Warr *etc.* at Annapolis Royal. *Countersigned*, J. Addison. [C.O. 324, 33. pp. 96, 97.]

Aug. 25. **38.** H.M. Commission to Governor Sr. Nicholas Lawes to be Captain of an Independent Company at Jamaica. *Countersigned*, J. Addison. [C.O. 324, 33. pp. 93, 94.]

Aug. 25. **39.** H.M. Commission to Lt. Col. Martin Purcell to be Lt. Govr. of Placentia. *Countersigned*, J. Addison. *Endorsed*, Recd. 8th, Read 10th March, 17 $\frac{1}{8}$. *Copy*. $\frac{3}{4}$ p. [C.O. 194, 6. No. 42; and 324, 33. p. 116.]

Aug. 26. **40.** Governor Hamilton to the Council of Trade and Plantations. *Begins with duplicate of July 15, continues*;—Since which I came down to this Island, to witt on the 17 July last, and sent the man of warr back to Antigua, to gett into harbour, in order to lay there during the hurricaine time, there being nothing but open roads in any of the other Island's, for fear of her comming to any damage by bad weather, and I shall be obliged to stay here during that season, which wee reckon is not over till about the 20th Oct. Wee had a violent storm on the 19th instant, by which means (as I am informed) that thirteen saile of vessells were lost at the Island of St. Christophers, most of them sloop's, no great damage done here, there being no ship's in the Road, and but three sloop's, two of which put to sea, the other was cast away, with some small sugar drogers, I have not heard since from either Antigua, or Mountseratt, so can not informe your Lordship's what damage has been done there, *etc.* All that I could say to the poor people of Anguilla (*v.* 15th July) when they were with me, or all the arguments the Governour made use of, did not availe *etc.* (*v.* enclosure i.), but being headed by one Abraham Howell (formerly Governour of Anguilla) they did embarke upon severall small sloop's, and are gon without my leave, or without any Commission, to settle upon Crabb Island, a little way to windward of the Island of St. John de Porto Rico. This Howell was the chiefe man that formerly joyned in a petition about settling upon the Island of Santa Croiss, *etc.* *Refers to letter of 14th April, 1716.* And I am afray'd the mischiefe will not stop here, for I am inform'd, that by this delusion severall of the poor inhabitants from all the other Island's, designe to remove themselves thither, which I conceive will be greatly prejudiciall to H.M. interest, and tend much to the weakening of the other H.M. chiefe Island's, who are alreddy verry thinly peopled, what with the devastation's made by the French the last warr upon the Island's of Nevis, Saint Christophers, and Mountseratt, as well as other accidents, has deminished the numbers verry much, and should there at any time be a rupture (which God forbid) between H.M., and any forraigne

1717.

power, our people being so scattered up and downe in such small numbers would in my humble opinion endanger the loss of most, if not all the Island's, but all this I must refer to your Lordship's more discerning judgment, but withall hoping your Lordship's will make such a representation of this matter, and what is contained in my former letters relating hereto, that I may speedily receive H.M. order, with your Lordship's directions how to proceed. *Signed*, W. Hamilton. *Endorsed*, Recd. 18th, Read 19th Nov., 1717. *Holograph*. 3½ pp. *Enclosed*,

40. i. Lt. Governor Leonard to Governor Hamilton. Anguilla, 12th August, 1717. According to your Excellency's last, I did use all arguments to keep the people of this Island together until your Excellency had an answer from home, *etc.*, but all would not do with sinking men, for having no orders to restrain them they laid hold of any twigg: What orders Capt. Howell brought from your Excellency I know not *etc.*; I sent your Excellency's instructions to me, to him; but he went away to Crabb Island and carried away 40 odd white men and between 20 and 30 negroes with him; I wish them well, but the suckess of such rash actions are always to be doubted, *etc.* *Signed*, George Leonard. *Endorsed as preceding*. *Copy*. 1 p. [*C.O.* 152, 12. *Nos.* 54, 54 i.; and (*without enclosure*) 153, 13. pp. 167-170.]

- Aug. 28. **41.** Danl. Alford to the Council of Trade and Plantations.
London. Proposes, on behalf of Matthew Mills of St. Christophers, to purchase a plantation of 150 acres at £5 sterl. pr. acre. *Signed*, Danl. Alford. *Endorsed*, Read 28th Aug., 1717. ¼ p. [*C.O.* 152, 12. *No.* 32.]

- [Aug. 28.] **42.** Stephen Browne to the Council of Trade and Plantations. Proposal for purchasing the College and Fountain Plantation, in the Basse Terre Quarter of St. Christophers, lately belonging to Jno. Thornton decd., at £3 pr. acre. [*Note.* Mr. Tryon offers £6 pr. acre.] *Signed*, Ste. Browne. *Endorsed*, Read 28th Aug., 1717. 2½ pp. [*C.O.* 152, 12. *No.* 12.]

- [Aug. 28.] **43.** Petition of Stephen Browne to the King. Prays for a grant as preceding, he being an inhabitant of St. Christophers who signaliz'd himself on all occasions during the war in defence of the Island, and was often plundered upon acct. of his vigorous resistance and valour, *etc.* 1½ pp. *Annexed*,

43. i. (a) Certificate by Dennis Reed, 14th June, 1717, in support of preceding. *Signed*, Dennis Reed.

43. ii. (b) Similar certificate by inhabitants of St. Christophers. St. Christophers, 22nd Nov., 1716. *Signed*, Jno. Lambert, Jno. Davis, Clemt. Crooke, Francis Phipps, Jno. Parsons, Peter Skarrot, Dav. Scanell, Barth. Lynch, Jno. Witherill, Patt. Blake, Sigisd. Cooper. *The whole endorsed*, Read 28th Aug., 1717. 1 p. [*C.O.* 152, 12. *Nos.* 13, 13 i.; and 153, 13. pp. 84-87.]

1717.

[Aug. 28.] **44.** Walter Darcy to the Council of Trade and Plantations. Proposal for planting 200 acres in the French Capisterre quarter of St. Kitts. *Signed*, Walter Darcy. *Endorsed*, Read 28th Aug., 1717. $1\frac{1}{2}$ pp. [C.O. 152, 12. No. 17.]

[Aug. 28.] **45.** Lt. Governor Daniel Smith to the Council of Trade and Plantations. Proposal to purchase 200 acres in Capesterre. The full value is £6 pr. acre, but hopes for a rebate in recognition of his services, he having on the happy revolution of 1688 at the head of a company rais'd in Nevis, voluntarily expos'd his life for the reduction of St. Christophers at his own expence, and under General Codrington commanded all the forces wch. from Nevis a second time reduced it *etc.* *Signed*, Danl. Smith. *Endorsed*, Read 28th Aug., 1717. 1 p. [C.O. 152, 12. No. 23.]

[Aug. 28.] **46.** Petition of John Douglas to the Council of Trade and Plantations. Her late Majesty did, under the Great Seal of the Leeward Islands, 3rd Nov., 1711, grant unto Sir John Leger Kt., James Douglas of London, Doctor of Physick, and Jno. Thornton of Nevis, a plantation in Basseterre for 3 years *etc.*, with an equitable title to her gracious bounty for the same in case the whole Island should remain to H.M. at the Peace *etc.* Whereupon petitioner's trustees and agents have expended very great sums in improving and building upon the same. *Prays* for an absolute grant of this plantation, commonly called Pensez y bien. The grant of this plantation and another was confirmed for $2\frac{1}{2}$ years by Lt. General Matthews 10th Jan., 1716. Petitioner has no other means of making further progress in his education and subsisting his parents *etc.* *Endorsed*, Read 28th Aug., 1717. $3\frac{1}{4}$ pp. [C.O. 152, 12. No. 25.]

[Aug. 28.] **47.** Henry Brown to the Council of Trade and Plantations. Proposal to purchase 250 acres of the late French part of St. Christophers at £4 sterl. per acre, "the rack full value thereof," *etc.* *Endorsed*, Read 28th Aug., 1717. $1\frac{1}{4}$ pp. [C.O. 152, 12. No. 28.]

[Aug. 28.] **48.** Peter Buor, P. de Brissac and Samuel Hill, on behalf of planters of the late French part of St. Christophers, to the Council of Trade and Plantations. Petitioners have devoted themselves and their credit to clearing and improving the plantations granted to them by the Governors. They are informed that several persons maliciously bid upon their laborious improvements and more than the land is really worth, which will cause their utter ruin *etc.* *Propose* that they be allowed to purchase their plantations out of a tax per acre. In 1716 they have been taxed by the inhabitants of the English quarter 15/- per head for each negro to pay debts contracted 10 years before their settlement, and this year £500 for a fortification called "Brimstone Hill." "We have not the privilege to elect members to sit in the Assembly wch. makes these great and oppressive taxes being tax'd by the inhabitants of the English Quarter at their pleasure

1717.

which is contrary to us, our known laws and liberties of English subjects. Several of the poor inhabitants who have no grants have been obliged to leave the Island, having no lands allotted them that are fit for to plant provisions for their families on, and will speedily return if there is any small provisions made for their families at 5 or 6 acres to each family, out of which they might pay a small acknowledgment pr. annum, per acre to be employed for the fortifications." *Pray for their Lordships' consideration etc. Signed, Peter Buor, P. de Brissac, Saml. Hill. 3 pp. Annexed,*

48. i. *Same to same.* Further considerations upon the settling of the late French part of St. Christophers. Only those to be settled there who have no habitations in the English Quarter or in the Leeward Islands, and are not Jacobites, Non-jurors or Papists. They must be obliged to take the oath of allegiance *etc.* 3,000 of the 11,000 available acres to be given in 6 acre lots to poor inhabitants *etc.* 4 pp. *The whole endorsed,* Recd. 28th Aug. [C.O. 152, 12. Nos. 30, 30 i.]

[Aug. 28.] 49. Samuel Mulford to the Council of Trade and Plantations. An account of the proceedings against him in New York. He has done no ill, but did not run in with a Jacobite party when that was to much in fashion four or five years ago, and has fared the worse for it. On Aug. 24th, 1716, the Assembly addressed H.E., praying that he might be discharged from prosecution for printing and publishing a speech formerly made by him in Assembly. H.E. replied that he could not discharge him, unless he would own it to be a false and scandalous libell. This is contrary to the Act of Assembly, 1691. Mulford was indicted in 1715, for his Speech (*infra*). The Grand Jury endorsed the bill *Ignoramus*, after which the Attorney General proceeded by way of information in the Supreme Court, and the Chief Justice at New York bound him over in £500 to attend the Court from time to time. He has attended 4 Courts, 115 miles from his habitation without any determination had therein. All these proceedings are contrary to the Act. 1st Wm. and Mary. that freedom of speech *etc.* in Parliament ought not to be questioned out of the House *etc.* *Signed, Samll. Mulford. Endorsed,* 28th Aug., 1717. Read 28th March, 1718. 3 pp.

49. i. Writ of attachment, issued for the arrest of Samuel Mulford for publishing his libellous and seditious Speech to the Assembly, April 2, 1714. *Signed, David Jamison, Commissioner for executing the office of Attorney-General. 3¼ pp. Enclosing,*

49. ii. Copy of Mr. Mulford's Speech. *Printed. 7¼ pp. [C.O. 5, 1051. Nos. 59, 59 i., ii.]*

[Aug. 28.] 50. John Lloyd and other Merchants to the Council of Trade and Plantations. The imports of whale oil and bone from New York have greatly decreased, owing to disputes with the Governor as to a duty demanded for whales caught there. *Propose that*

1717.

the inhabitants have free liberty to kill whales *etc.* *Signed*, John Lloyd, Charles Lodwick and 6 others. *Endorsed*, Recd. 28th Aug., 1717, Read 28th March, 1718. $2\frac{1}{2}$ pp. [*C.O.* 5, 1051. *No.* 60.]

Aug. 28.
Whitehall.

51. Council of Trade and Plantations to Mr. Secretary Addison. It being necessary for us from time to time to have recourse to several of the Plantation Laws for our information in matters that come before us, and as most of the said laws at present are contained in great bundles of parchment, which makes it more difficult and tedious to come at what is immediately wanted we think it will be for H.M. service that we should have an order to H.M. Printer to print from time to time such of the said Laws as we shall send to him. We desire you will lay this before H.M., and to let us know his pleasure thereupon. *Autograph signatures.* 1 p. [*C.O.* 5, 4. *No.* 18; and 324, 10. p. 133.]

Aug. 29.
Hampton
Court.

52. Order of King in Council. Confirming Act of Barbados to *dock the entail on certain plantations* *etc.* and to enable George Nicholas *etc.* to mortgage or sell the same *etc.* (*v.* July 31st). *Signed*, Ja. Vernon. *Endorsed*, Recd. 5th, Read 6th Nov., 1717. $1\frac{1}{4}$ pp. [*C.O.* 28, 15. *No.* 20; and 29, 13. pp. 423, 424.]

Aug. 29.

53. Persons proposed [by Sir Nicholas Lawes] for the new Council of Jamaica :—Charles Chaplin, Fran. Rose, John Blair, Tho. Bernard, James Archbould, Ez. Gomersall, Geo. Bennet, Peter Beckford, John Moore, Whitgift Aylmer, Wm. Needham, Ed. Pennent. A dormant commission for a Lt. Governor in case of death or absence, for Thomas Bernard, but the person not to be discovered till that Commission takes place. Persons recommended for the Council when vacancies happen :—John Carver, Fran. March, Saml. Moore, John Campbell, Joseph Hodges, Tho. Harrison, John Haltsted, George Mudd, James Heywood, James Rule, John Wyllys, John Lewis, Sam. Hemings, John Clarke, Richd. Bathurst, John Morant. *Endorsed*, Recd. (from Sr. Nicholas Lawes) 29th Aug., Read 11th Sept., 1717. $\frac{1}{2}$ p. [*C.O.* 137, 12. *No.* 61.]

[Aug. 29.]

54. Sir N. Lawes to the Council of Trade and Plantations. The trade of Jamaica has been in a most dangerous condition, for want of a sufficient number of ships of war, whereby many depredations have been committed by pirates of all nations who infest those seas; and are so powerfull, that the merchants ships have been, and are obliged to stay after their being loaded till one of H.M. ships of war could or can see them out of the danger of them; to the great loss of traders, owners of vessels, and H.M. Revenue. To reduce the pyrates, H.M. clemency, accompany'd with a number of proper ships of war, to cruise in those parts, is the most, if not the only effectual means *etc.* To curb all pyrates and check the insults of the French and Spaniards (who have never failed to insult us when they have found us disarmed and without ships of war in those seas) it is absolutely

1717.

necessary even in the profoundest time of Peace and when the coast of Jamaica is not so infested with pyrates, that at least three men of war, vizt. a fourth, fifth and sixth rate, should be constantly attending the service of that country and under the immediate direction of the Governor. For some years many complaints have been made of inconveniencies to the Trade and Navigation of the Island by reason the ships of war have not been under the direction of the Govr. whereby the service of the ships has been at the choicē of the Captains, who have often refused going on that, which was absolutely necessary for the security of the trade and publick good, which was not the case when the ships of war were under the immediate direction of the Govr. *Prays* that a Representation may be made accordingly. *Endorsed*, Recd. 29th Aug., Read 10th Oct., 1717. 1 p. [*C.O.* 137, 12. No. 76; and 138, 15. pp. 314-344.]

Aug. 29. **55.** *Same to same.* Observations upon the draught of his Instructions for the Government of Jamaica. *Endorsed*, Recd. 29th, Read 30th Aug., 1717. 2½ pp. [*C.O.* 137, 12. No. 59.]

Aug. 29. **56.** Council of Trade and Plantations to the King. Recommend John Colleton for the Council of Barbados in the room of Thos. Alleyne decd. (*cf.* July 6, 1716 and April 22, 1717). [*C.O.* 29, 13. pp. 387 *bis.*]

Aug. 29. **57.** Order of King in Council. Referring following to the Council of Trade and Plantations for their report. *Signed*, Ja. Vernon. *Endorsed*, Recd., Read 5th Sept., 1717. ¾ p. *Enclosed.*

57. i. Petition of Samuel Barwick, of the Council of Barbados, to the King. Applies for extension of leave for one year longer (*v.* Sept. 12). *Copy.* ¾ p. [*C.O.* 28, 15. Nos. 12, 12 i.; and 29, 13. pp. 392, 393.]

Aug. 29. **58.** Mr. Popple to Mr. Shelton. *Encloses* the proposal of Lt. Governor Spotswood and Mr. Eden relating to the boundaries of Virginia and North Carolina. The Council of Trade and Plantations desire to know as soon as may be the sentiments of the Lords Proprietors of Carolina thereupon. [*C.O.* 5, 1364. p. 522.]

Aug. 29. **59.** Lt. Governor Spotswood to the Council of Trade and Plantations. *Abstract.* *Encloses* Journals of Council with abstracts in margin as desired. *Hopes* that the steps he has taken to prevent frauds in the revenue arising from the sale of lands will be approved, though censured by some men there. *Refers* to former letters relating to the Cattawba and other Western Indians. As soon as they had made peace with S. Carolina, they came to Christanna with their hostages as promised, where he conferred with them, and observed their great desire to continue in friendship with the English. But in the night, a party of the Five Nations and Tuscaroras attacked their camp, killed five, wounded two, and carried off some prisoners. It was only with

1717.

great difficulty that he convinced them that this was not due to treachery on the part of the English. They then delivered eleven of their children as hostages, whom he placed under the care of the same schoolmaster as those of the Tributary Indians at Christanna. To demonstrate the good faith of the English, he sent to New York to demand the release of the prisoners carried away by the Indians, and to propose to the Governor that, as an acknowledgment which might repair the affront to H.M. Government, the Five Nations should send Deputies to Virginia, to renew the peace made with that government in 1685. But though Brigadier Hunter very vigorously pressed them to it, they will not treat anywhere except at Albany, where they expect all H.M. Governors to attend them. After the expense the Crown has been at in presents to them, he cannot believe it is H.M. intention that they should entertain such unreasonable notions as that their alliances extend no farther than to the people of New York. With the approbation of the Council, he is about to confer at Philadelphia with the Governors of New York, Maryland and Pennsylvania, and hopes to concert with them measures to render the Indians more obsequious to the several interests of all these Provinces *etc.* *Continues* :—There are very just grounds to suspect, that some loose fellows who were carrying on a clandestine trade with the Tuscuroros, contrary to the laws of this countrey, gave intelligence to the Northern Indians of the arrival of the Cattawbas at Christanna, and of their being encamped without their arms, wch. encouraged the one to fall on the other. This occasioned the issuing one of the Proclamations herewith sent, for prohibiting that clandestine trade. This shows the necessity of continuing the Indian trade under the regulations now established by law, and how little regard those people have to the peace of this country, who would perswade yor. Lordps., by setting aside the late Act of Assembly, to leave that trade again at large, and the Indians to be influenced by the pernicious counsels of the dreggs of the people, such as used heretofore to carry on that trade, and who if they can promote their own private gain, are regardless of the lives even of their fellow traders and much less of the publick faith of Governmt. or the consequence it may have on these Plantations to engage the heathen in blood. *Refers to case of Harry Beverley. v. May 1st.* *Continues* :—Since which he is arrived here, having made his escape from La Vera Crux, where he had been seven moneths a prisoner, without any tryal, tho he often petitioned for it : but they took early care to confiscate his sloop and cargo, that being what they most wanted, but upon what grounds they founded this condemnation is yet a secret to all except themselves. From the time of Mr. Beverleys arrival at La Vera Crux no subsistence was allow'd either for himself or his crew, and had it not been for the charity of the Assiento Companys Factors, they must have perished for want. I have sent to Collo. Blakiston a narrative of the whole matter drawn up by Mr. Beverley, with papers referred to *etc.* Since I gave yor. Lordps. an account of the manner, with which some of the Council received yr.

1717.

Lordps. opinion concerning the appointmt. of Judges of the Courts of Oyer and Terminer; some criminals committed after the last General Court made it necessary for me to appoint one of those Courts to be held the 2nd Tuesday of June: and because I would remove that wrong notion wch. has been carefully infused into the people here, that H.M. has not the same power of constituting Judges here, as in England, I appointed five of the Council, and four other of the principal Gentlemen of the Countrey to be the Judges of this Court; but some of the former resolving still to adhere to their first opinion, that the Council ought to be the sole Judges in all criminal cases, refused to sitt, tho the Attorney General and all the other eminent lawyers here, are clearly of opinion that there is nothing in any law of this countrey or in the Charter of King Charles the 2nd that favours their pretensions *etc.* I should not have troubled yor. Lordps. on this head *etc.* but that it is become a practice of late to hand secret Remonstrances, without my knowledge, to private Agents to be made use of, for carrying on underhand designs, and I'm apprehensive some such may be made on this occasion: And therefore I was willing to give yor. Lordps. some intimation of this dispute, that you may not be surprized into any alteration of what you have already declared to be yr. sentiments thereof, nor made to believe that while I am contending for the legal right of the Crown, I am lessening the just priviledges of the Council, for whatever specious arguments they may use, 'tis certain their pretensions are as new as frivolous, the Constitution of England, the Laws of this countrey, and the constant practice of former times are entirely agt. them, and I hope yor. Lordps. will give no countenance to anything that shal be urged in their behalf till I have an opportunity of setting forth what may be justly offered in support of H.M. Prerogative, and of the power wch. H.M. has been pleased to grant to his Governors for nominating such Judges, which is now called in question. *Signed, A. Spotswood. Endorsed. Recd. 29th Oct., Read 19th Dec., 1717. 6 pp. Set out, Va. Hist. Soc. Spotswood Papers, II. 256 ff. Enclosed,*

59. i. Remarks upon the present state of the Treasury rights in Virginia, with proposals for an enquiry into that branch of the Revenue, which arises from the sale of H.M. lands, and for settling hereafter a more exact method in accounting for the same. In 1699 the Governor and Council came to the resolution of selling the King's lands at the rate of £5 sterl. per 1,000 acres. The Receiver-General was thereupon directed to accept money on that account from all persons whatsoever; and for as many crowns sterling as he should receive to issue so many rights to the person paying the same. These rights entitle any person, that produces them, to take up, upon any part of the King's land within this Government, 50 acres for each right, and pass as ready money in this Colony. These rights, (or money-bills) were never subject to any kind of audit untill this present

1717.

year. These rights do not issue out of any settled Office, nor at any appointed times, nor in any ascertained quantities, nor under the description of numbers, but wherever the Receiver General is met with, he issues them at his pleasure and is not under any manner of controul, besides the oath wch. he is obliged to make to his general accompt of the Revenue. He usually writes a short certificate wch. entitles the purchaser to as many rights as is then paid for. *Points out the dangers and inconveniences of such a system, with proposals for regularising the issue of certificates etc. Endorsed as preceding.* 3 pp.

59. ii. Proclamation notifying the repeal of the Act *declaring who shall not bear office etc.* Williamsburgh, April 20, 1716. *Signed, A. Spotswood. Copy.* 1½ pp.
59. iii. Proclamation for preventing frauds in the Treasury rights (*v. No. 1*). All outstanding Treasury rights are withdrawn, but upon presentation thereof to the Receiver General new rights will be issued without fees *etc.* Williamsburgh, Jan. 23rd, 1716 (1717). *Signed, A. Spotswood. Copy.* 2 pp.
59. iv. (a) Proclamation prohibiting all unlawfull trading and correspondence with the Tuscoruro Indians. Clandestine traders with the Tuscoruros are suspected to have encouraged them and divers of the Senaquas to attack the Cattabaw Indians, 10th April. Only those authorised by law are to trade with the Tuscoruro Indians, under penalty of 3 months imprisonment *etc.* May 4th, 1717. *Signed, A. Spotswood.* 1½ pp.
- (b) Proclamation giving further time for calling in the old Treasury rights. Williamsburgh, Aug. 13, 1717. *Signed, A. Spotswood. Copy.* 1½ pp. *The whole endorsed as covering letter.* [C.O. 5, 1318. Nos. 40, 40 i.-iv.; and (without enclosures) 5, 1365. pp. 19-29.]

Aug. 29.
Hampton
Court.

60. Order of King in Council. Referring following to the Council of Trade and Plantations for their report. *Signed, Ja. Vernon. Endorsed, Recd., Read 4th Sept., 1717.* 1½ pp. *Enclosed,*

60. i. Petition of Col. William Codrington to the King. Heir and executor of Governor Christopher Codrington, prays H.M. to grant him 763 acres of the late French part of St. Christophers, a plantation of which Governor Christopher Codrington took possession in 1691, and improved it, until Governor Parke seized it and dispossessed him of it, and after him Governour Douglas tooke possession thereof. *Copy.* 2 pp.
60. ii. Col. Codrington's Case relating to the above plantation. 1 p. [C.O. 152, 12. Nos. 35, 35 i.-ii.; and 153, 13. pp. 100-107.]

1717.

Aug. 29.
Hampton
Court.

61. Order of King in Council. Referring following to the Council of Trade and Plantations for their report. *Signed*, Ja. Vernon. *Endorsed*, Recd. 7th Sept., Primer'd, 24th Oct., 1717. 1p. *Enclosed*,

00. i. Petition of Stephen Browne to the King. *Prays for* grant of 700 acres in St. Christophers *etc. as Aug. 28. Copy.* 1½ pp.

61. ii. Certificate by inhabitants of St. Christophers and Montserratt, as to Stephen Browne's loyalty, bravery and sufferings in defence of those Islands. *Signed*, John Lambert and 10 others. *Copy.* 1 p.

61. iii. Stephen Browne to the Council of Trade and Plantations. Proposal for planting 700 acres in St. Christophers *as Aug. 28. Copy.* 1½ pp. [C.O. 152, 12. Nos. 49, 49 i.-iii. ; and (without enclosures) 153, 13. pp. 148, 149.]

Aug. 29.

62. Rowland Tryon to the Council of Trade and Plantations. Proposes on behalf of the following to purchase plantations (*described*) in the late French part of St. Christophers, at £6 per acre, or as much more as any other person shall offer ; for Joserph Verchild 200 acres ; for Capt. Giles McArthur 200 acres ; for William McDowall 200 acres ; for James Millikin 200 acres ; for Daniel Burchall 200 acres ; for Governor Hamilton 400 acres, and 200 acres of little value for as much as any other person will give ; for John Hutchinson, 100 acres. *Signed*, Rowld. Tryon. *Endorsed*, Recd. 30th Augt., Read 4th Sept., 1717. 3½ pp. [C.O. 152, 12. No. 33.]

Aug. 30.
Whitehall.

63. Council of Trade and Plantations to Lt. Governor Spotswood. *Acknowledge* letters of 16th Jan., 23rd and 24th May, and 3rd and 11th July, 1716, 16th and 30th April, 30th and 31st May, 1717, and one without date (? April 5th). To your letter of 16th April, 1717, and several paragraphs in the others, we have little to say H.M. having been pleas'd to repeal the Act for the better regulating the Indian Trade as you will see by the enclos'd Order of Council, (31st July). *Give Instructions as directed in that Order, and refer to other Acts repealed thereby. Continue* :—You will take care that H.M. pleasure herein be publish'd. You tell us (*v.* April 5th) that we are again to have under our consideration the Council's pretensions to be sole Judges in the Courts of Oyer and Terminer. We have not yet had any application made to us upon that head. But as it appears to us at present you are fully empower'd by your Commission to constitute and appoint Judges ; and in cases requisite Commissrs. of Oyer and Terminer which will be a good rule for you to act by till it shall appear that this authority granted to you under the Great Seal of England has been repeal'd by some equal or superior power. We have consider'd your reasons against the Councillors acting in two capacitys, vizt. as Councillors under an oath and as the upper House of the genll. Assembly without, upon which we must observe that the Council act as

1717.

part of the Legislature by vertue of their being Councillors only, for which reason we cannot conceive why they make that distinction you mention. The other distinction which you say they make vizt. that they are not to give their opinion upon the legality of any Act of Government, because as they are Judges of the General Court, the same or a case of the like nature may come in judgmt. before them there, this we conceive to be a very unreasonable difficulty, because as they are of H.M. Council, they are oblig'd freely to deliver their opinions in all matters relating to his service and the support of the Government, wherefore they ought to declare upon every matter, that may arise in Council, relating to the Government what they think may or may not be lawfully done, and this has been the constant practice of such Judges in England as have had the honour to sit in H.M. Privy Council here. As to the settling the bounds of Carolina so soon as we have receiv'd the answer from the Lords Proprietors we shall lay that matter before H.M. for his directions, and let you know his pleasure thereupon. We have laid what you write, 30th April, upon the proceedings of the Government of South Carolina *etc.* before H.M.; and so soon as we are inform'd of H.M. pleasure therein, we shall not fail to give you notice. We have in like manner laid before H.M. by a Secretary of State, what you write, 30th May, relating to the deficiencies of the Revenue of 2s. pr. hogshead *etc.*, and doubt not but you will have timely notice of H.M. directions thereupon. Upon this occasion, we cannot but commend your care in sending us the accts. of the two abovemention'd revenues. But as it frequently happens that H.M. wants to be inform'd of the state of the whole or some particular branches of the Revenue in the Plantations, we are not able to comply with H.M. commands therein for want of such regular accounts as governors are requir'd to transmit to us, wherefore H.M. has been pleas'd to direct us to remind all the Governors of their Instructions in that behalf, and to require them to send us constant and distinct accounts of the several branches of the Revenue in their respective Governments. To which you will likewise be pleas'd to add an establishment of the constant and regular expence for the support of the Government, distinguishing particularly what Revenues are appropriated for that purpose and from what causes it doth proceed that the same falls short of the expences, together with a separate acct. of all contingent and extraordinary charges. And it will be absolutely necessary we shou'd be constantly inform'd of the number of acres granted by H.M. to the several Planters in every distinct county of your Government together with the rent reserv'd thereupon. You will also let us know how the publick accts. are audited. Whenever the author of the anonymous letter and queries shall appear to make good the matters therein contain'd, your answer and the papers therein referr'd to, 16th Feb., will be of use. In the meantime you may assure yourself we shall not report anything upon this or any other complaint till you have fully had an opportunity to justify yourself. So we bid you heartily farewell

1717.

and are your very loving friends and humble servants *etc.* [C.O. 5, 1364. pp. 522-528; and (rough draft) 5, 1335. pp. 207-215.]

Sept. 3.
Whitehall.

64. Mr. Secretary Addison to the Council of Trade and Plantations. Several papers and reports from your Lops. having been laid before the King, and the Lords of the Committee, I am to signify to your Lops. H.M. pleasure on each of them respectively. (i.) As to your Lops.' report of April 16th last, H.M. [*approving of the same and*] being further well satisfied with the conduct of Governor Hamilton in declining to receive any part of the sum granted by the Assembly [*of the Leeward Islands*] till H.M. pleasure should be known therein *etc.*; H.M. is graciously pleased to permit the said Governor to receive the £1,000 pr. ann. during his Royal pleasure; and your Lorps. are to prepare a new Instruction in the place of the old one before-mentioned, which may effectually restrain Governors from receiving gifts and presents, and yet not be liable to the difficultys and objections mentioned in your Lops.' report. (ii.) Pursuant to your Lops.' report of the 6th of May last, *etc.*, H.M. approves of the conduct of the Fishing Admirals [*Weston and Cleeves*], as justifiable by law and agreeable to their duty. But in consideration that Gallantry als. Tulon among others remaining at St. Peter's, took the oaths of fidelity to H.M., and engaged in the Fishery in confidence of Her late Majesty's letter, and the orders given thereupon; it is H.M. pleasure, that the produce of the fish taken by the said Tulon at St. Peter's and sent to Bilboa be restored to him, after the said produce has been returned from Bilboa to H.M. according to the tenour of your Lops'. report. (iii.) Upon your Lops'. report of 31st May last, relating to the piracys committed in the West Indies, and particularly in the seas about Jamaica, H.M. being sensible that the British Trade in those parts is thereby in great danger, He has been graciously pleased to give such orders thereupon as have been recommended by your Lops'., in the first place H.M. has signified his pleasure to the Lords of the Admiralty that one fourth rate, and two fifth rate men of warr be ordered to those seas to suppress the pirates, and protect the Trade, unless their Lops. have already made other sufficient provision for that service, in which case they are to acquaint me therewith, that I may lay the same before H.M. without loss of time. 2ly. H.M. has ordered a Proclamation to be prepared, with an assurance of H.M. gracious pardon to the said pirates, provided they come in, and surrender themselves within a limited time. 3dly. H.M. has appointed a Governor of the Bahama Islands, who will be enabled to drive the pirates from their lodgement at Harbour Island, and Providence, represented by your Lops. to be the great receptacle of the pirates. (iv.) In answer to your Lops. of the 8th of July last, containing the extract of a letter from Col. Hamilton *etc.*, relating to a settlement intended by the French at Sta. Lucia, and the confiscation of a British ship at Martinico: and your letter of Aug. 6th, containing the copy of a letter from Col. Spotswood *etc.*, concerning the seizure of an English ship

1717.

by the Spaniards, and making several of H.M. subjects prisoners, I am to acquaint you that I have received H.M. commands to transmit the former to H.M. Envoy Extry. at the Court of Spain, that the proper applications may be made for redress in H.M. name, on the respective complaints therein exhibited. (v.) In pursuance to your Lops'. report of the 26th of July last, on the petition of Capt. Rogers, about fortifying and settling the Bahama Islands, H.M. being very well satisfied with your Lops.' representation of the importance of those Islands to the British Trade and Navigation in those parts, as also with the character which is given of the said Captain Rogers by the most considerable merchants of London and Bristol, as a person every way qualified for such an undertaking, He is pleased to appoint the said Capt. Woodes Rogers to be Governor of the Bahama Islands, and of the Garrison which shall be sent thither, and to order your Lops. to prepare draughts of a Commission and Instructions for that purpose, that the same may be laid before H.M. for his Royal approbation. (vi.) Your Lops.' representation of the 16th inst. upon the memorial of Lord Archibald Hamilton *etc.*, having been also laid before H.M., He is graciously pleased to approve the same ; and whereas your Lops. have set forth, that the Assembly of Jamaica did neglect to reimburse the £2,706 6s. 3d., tho' recommended by H.M. letter, 13th May, 1715, I am to signify to your Lops. H.M. pleasure that the said sum be paid to the Lord Archibald and others, to whom the same is due, out of the first and readiest of the Revenues of that Island unappropriated, but in case your Lops. find the entire Revenue of the sd. Island to be appropriated, your Lops. are to draw up an Instruction for Sr. Nicholas Lawes to recommend to the Assembly at their next meeting in the most effectual manner to make provision for so just a debt : and whereas the memorialists lent the said sum to supply the exigences of the Government, and this debt has stood out so long a time, and whereas likewise very large interest has been allowed by an Act of Assembly on the 10th Nov. last to Col. Heywood the present Commander in Chief of Jamaica, for money advanced by him on the like service ; it is H.M. further pleasure, that interest be also payed to the memorialists, according to the ordinary rate of interest in Jamaica, for so long a time as they have been kept out of their money, and as to the arrears of salary and other debts claimed by the Lord Archibald Hamilton out of the Revenues of Jamaica, H.M. defers to declare His pleasure therein, till Sr. Nicholas Lawes, after his arrival there, shall have transmitted an account of what shall appear to be justly due to his Lop. (vii.) Your Lops. having, 28th Aug. last, represented the necessity you are under, of having recourse from time to time to several of the Plantation Laws, but by reason the said Laws are contained in several large bundles of parchment, it is difficult and tedious to come at what is immediatly wanted ; for which reason your Lops. think it will be for H.M. service that you should have an order to H.M. Printer to print from time to time such of the said Laws as your Lops. should send him, H.M. is graciously pleased to comply

1717.

with this your Lops.' proposal, and I am to give such an order to H.M. Printer as is therein mentioned. *Signed*, J. Addison. *Endorsed*, Recd., Read 4th Sept., 1717. 5 pp. [C.O. 152, 12. No. 34; and 153, 13. pp. 92-100.]

Sept. 3.
Hampton
Court.

65. Mr. Secretary Addison to the Council of Trade and Plantations. Referring following for their opinion what H.M. may fitly do therein. *Signed*, J. Addison. *Endorsed*, Recd. 27th Sept., Read 23rd Oct., 1717. *Superscribed*,

65. i. Petition of Edward James, John Beswick, William Hayman and other Merchants residing in Jamaica to H.R.H. Prince of Wales, Guardian of the Realm. Since the cessation of arms concluded between Great Britain and Spain, 1712, a great number of sloops and vessels belonging to H.M. subjects in Jamaica and laden with very valuable effects have been pyratically and unjustly taken and seized by Spanish vessels and by them carried into Trinidado and other Spanish ports *etc.* Governor Lord A. Hamilton did dispatch letters and persons in their behalf to the several Governments of the Spanish ports to obtain justice and restitution, and to know the reason why such vessels were so illegally taken and detained, but no satisfaction could be obtained *etc.* Several of the said seizures were made within sight and under the land of Jamaica, and depredations have even been committed within the country; divers of H.M. subjects killed, wounded and made prisoners in defence of their ships and goods, and some of them murder'd in cold blood, *etc.* *Pray for relief and satisfaction.* *Signed*, Wr. Parrott, Agent for petitioners. *The whole*, 1 p.

65. ii. Planters and merchants concerned in Jamaica now residing in Great Britain to H.R.H. the Prince of Wales, Guardian of the Realm *etc.* *To same effect as preceding.* *Pray that* Mr. Pitt's departure to his government may be expedited, with suitable instructions, *etc.*, and that the Trade may be protected by a sufficient number of proper ships of war, *etc.* Dec. 28, 1716. *Signed*, John Orgill and 42 others. 1½ pp.

65. iii. List of British sloops and vessels taken by the Spaniards since the Peace and carried into Spanish ports. *Total*, 37; *Value*, £76,143 10s. 6d. (including £600 for 24 negroes carried off from Major Cook's plantation to Trinidado, by Spaniards who landed in the night-time). *Endorsed*, Recd. 27th Sept., Read 23rd Oct., 1717. 1 large p. [C.O. 137, 12. Nos. 90, 90 i.-iii.; and 138, 15. pp. 477-484.]

Sept. 3.
Nevis.

66. Governor Hamilton to the Council of Trade and Plantations. About the latter end of July last I had an Order brought me by one Clement Croke Esq. of St. Christopher's from H.M. in Council bearing date the 30th March last containing directions

1717.

for allowing examinations to be taken on oath and certified under the Seals of these Islands for supporting a complaint made against me on behalf of one Martha Assaillie; as well as orders for my making a state of the matters in question; in obedience to which order I immediately appointed John Pinney and John Spooner Esqrs. to act as Commissioners on my behalf for taking the examinations of such persons as should be produced as witnesses on behalf of the said complainant, whereupon they met at the Island of St. Christopher's some short time after, and in conjunction with John Willett Esq. on behalf of the said complainant took several examinations on her part, the which were brought to me about the latter end of the last month by the said Croke in order to have the Seal affixed thereto, which I have accordingly done but do not think it proper to have them transmitted until I can cross-examine the said witnesses and take the examination of several to justify my conduct in that affair, which I shall do with the utmost expedition as soon as I come to the Island of St. Christopher's; But as I am apprehensive that some farther complaint may be made against me under pretence of my delaying or disobeying H.M. Order I take this opportunity to acquaint your Lordships that nothing on my part shall be wanting to render obedience to H.M. commands etc. *Signed*, W. Hamilton. *Endorsed*, Recd. 18th, Read 19th Nov., 1717. 1 p. [C.O. 152, 12. No. 55; and 153, 13. pp. 172-174.]

Sept. 3. **67.** Mr. Secretary Addison to John Basket, H.M. Printer. I am commanded to signify H.M. pleasure to you, that you do print all such Plantation Laws, as you shall from time to time, receive for that purpose, from the Lords Commissioners for Trade and Plantations (v. Aug. 28). *Signed*, J. Addison. *Endorsed*, Recd. 4th Sept., Read 18th Oct., 1717. *Copy*. 1 p. [C.O. 323, 7. No. 110.]

Sept. 3. **68.** Mr. Secretary Addison to the Council of Trade and
Hampton Plantations. Referring following for their report. *Signed*,
Court. J. Addison. *Endorsed*, Recd., Read 4th Sept., 1717. $\frac{1}{4}$ p.
Overleaf,

68. i. Petition of the Agents of Barbados to the King. The Bishop of London hath lately given a Commission to one Gordon, by the power of which he doth attempt to erect an Ecclesiastical Court there, from which no good can result, but abundance of mischief, and it is to be apprehended from the temper and principles of many of the Clericks there, but more especially of Gordon, and two other priests whom the said Bishop hath recommended to benefices there, one of which is Dominick Langton, formerly a Friar, and who a few years ago was censured by the House of Commons in Ireland, for obstructing the conversion of several Papists to the Protestant Religion, and other scandalous practices, that such a Court will clash with your Majesty's civil

1717.

Government, and the municipal laws of that country, and that the officers of the said Court being very numerous, and having most of them no other subsistence, but what must arise from the exercising this spiritual jurisdiction, will probably stir up innumerable suits *etc.* in order to get money by them. If this Court is suffered to go on, it will probably ruin the flourishing state of that Island, by embarrassing the Government, vexing and tormenting the gentry, depauperating the substantial freeholders, and utterly ruining the common people. *Pray for H.M. relief etc.* 1 p. [C.O. 28, 15. Nos. 11, 11 i.; and 29, 13. pp. 389–391.]

Sept. 4. **69.** Council of Trade and Plantations to Governor Hunter.
Whitehall. *Enclose Mr. Secretary Addison's letter Aug. 22 etc. Continue;* The reports of your removal are malicious and groundless. This you may make known in such manner as you shall think the most likely to silence such reports and defeat such practices for the future. We shall do all that in us lyes to discourage the same as opportunity shall offer. *Set out, N.J. Arch. 1st Ser. iv. 327. [C.O. 5, 995. pp. 337, 338.]*

Sept. 4. **70.** Mr. Popple to Mr. Solicitor-General. The Council of
Whitehall. Trade and Plantations desire your opinion in point of law upon the inclosed Act of Barbados, 1717, *to dock the intail of certain lands in the parishes of Christ Church and St. Michael, and to vest the fee simple in Alice Tickle and Francis Jemmot respectively, etc.* [C.O. 29, 13. p. 388.]

Sept. 4. **71.** *Same to Same.* Asks for his opinion in point of law
Whitehall. upon an Act of New York, 1712, *to enable William Anderson to sell a lot of land in Queen Street etc.* [C.O. 5, 1123. p. 452.]

Sept. 4. **72.** *Same to Same.* Encloses Act passed at St. Christophers
Whitehall. 26th March last. *to empower the Surveyors of the highways to turn the Windward Common path to the Eastward of Clay Hill in the quarter of Basseterre, for his opinion thereupon in point of law etc.* [C.O. 153, 13. p. 107.]

Sept. 5. **73.** Copy of H.M. Warrant to Governor Hamilton, for
Hampton receiving £1,000 per ann. that money in lieu of house-rent, Court. pursuant to an Act of Antego. *Countersigned, J. Addison. Endorsed, Recd. 7th, Primer'd 9th Sept., 1717. 3 $\frac{3}{4}$ pp.* [C.O. 152, 12. No. 37; and 324, 33. pp. 94–96.]

Sept. 5. **74.** List of (37) planters in the French Quarter that have
no plantations in the English Quarter, and of those who have (18). List of lands given back to French Protestants or belonging to them. *Endorsed, Recd. (from Mr. Bladen), Primer'd, 5th Sept., 1717. 1 p. Enclosed,*

74. i. List of those who have built houses by vertue of grants in the French town Basse Terre. 30 names. $\frac{3}{4}$ p. [C.O. 152, 12. Nos. 36, 36 i.]

1717.

Sept. 5.
Hampton
Court.

75. Order of King in Council. Approving Representation of Aug. 29, and appointing John Colleton to the Council of Barbados. *Signed*, Ja. Vernon. *Endorsed*, Recd. 5th, Read 6th Nov., 1717. $1\frac{1}{4}$ pp. [C.O. 28, 15. No. 21; and 28, 39. No. 5; and 29, 13. pp. 424, 425.]

Sept. 6.

76. A computation of the charge of transporting 500 Palatines to the Bahama Isles. Provisions, clothing, bedding, passages and medicine, £2,500. £5 per head to be advanced by the undertakers for their support and repaid by their produce in 3 or 4 years, £2,500. "There is a person in London who will procure £50 per annum for a minister and £30 per annum for a schoolmaster for them *etc.* P.S. Since the above was drawn up, 100 of these Palatines have sold themselves for servants to Pensilvania for 5 years and their children that are 20 years old to serve to that time and 5 years after, the 400 left cannot do the like for want of masters, and having sold all their clothes and utensils to subsist themselves will soon be in a miserable condition" *etc.* *Without signature.* [*? By Messrs. Sam. Buck & Co.*] $1\frac{1}{4}$ pp. [C.O. 23, 12. No. 76.]

Sept. 11.

77. Deposition of Samuel Cox of Barbados. On 7th Aug. his long boat with some negroes on board was blown away [*? to Martinique, v. Nov. 17, 1718*] *etc.* *Signed*, Sam. Cox. *Endorsed*, Recd., Read 25th Nov., 1718. $\frac{3}{4}$ p. [C.O. 28, 15. No. 40.]

[Sept. 11.]

78. Sir Nicholas Lawes to the Council of Trade and Plantations. *Prays that* H.M. pleasure may be fully declared concerning the continuance and subsistence of the soldiers, the payment of the publick debts and supporting the Revenue of Jamaica. The Act to oblige several inhabitants to provide themselves with a sufficient number of white people seems to indicate that it is the intention of the makers of this law not to subsist the soldiers beyond Sept. 19th, 1717. The necessity of the continuance of the soldiers has been lately owned by the present Govr. and Council, for the Commander of the man of war *Snow* having made an offer to the merchants to convey ships clear of the pyrates, so they could procure him 30 or 40 soldiers, the Governor and Council determined that the present circumstances of the Island would by no means admit any soldiers to be spared from it. *Endorsed*, Recd. 11th, Read 27th Sept., 1717. $1\frac{1}{4}$ pp. [C.O. 137, 12. No. 68; and 138, 15. pp. 326-329.]

Sept. 12.

79. Samuel Barwick to the Council of Trade and Plantations. In July, 1715, the writer obtained leave from Governor Lowther to come to England. Having been detained by the deferring of the decision of the Lords of the Committee in the appeal of the Widow Peers from the Court of Chancery in Barbados, respondent applies for extension of leave *etc.* (v. Aug. 29). *Signed*, Saml. Barwick. *Endorsed*, Recd., Read 12th Sept., 1717. $1\frac{1}{4}$ pp. [C.O. 28, 15. No. 13.]

1717.
Sept. 12. **80.** H.M. Commission to John Wentworth to be Lt. Governor of New Hampshire. *Countersigned*, J. Addison. *Endorsed*, Recl., Primer'd 20th Sept., 1717. $1\frac{1}{2}$ pp. *Set out*, N.H. Hist. Soc. Coll. I. 142; and N.H. Prov. Papers, II. 712. [C.O. 5, 866. No. 123; and 324, 33. pp. 97, 98.]
- Sept. 12. **81.** H.M. Warrant for John Colleton to be of the Council of Barbadoes. *Countersigned*, J. Addison. [C.O. 324, 33. p. 99.]
- Sept. 12. **82.** Col. William Codrington to the Council of Trade and Plantations. Offers £8 per acre for several plantations, containing 2,000 acres, in the Capisterre division of St. Christophers. *Signed*, Wm. Codrington. *Endorsed*, Recl., Read 27th Sept., 1717. $\frac{1}{2}$ p. [C.O. 152, 12. No. 41.]
- Sept. 13. **83.** Joseph Martyn, Micajah Perry and others to the Council of Trade and Plantations. Reasons offered against disposing of the late French part of St. Christophers in the gross, or to any others than the present Proprietors. Purchasers in gross will either resell at excessive terms or develop them in large parcels. Small plantations should be encouraged for peopling and strengthening the Island. The present possessors have an equitable claim to the lands they have improved *etc.* *Signed*, Joseph Martyn, Micajah Perry, Danl. Alford, Wm. Coleman, Alexr. Woodrop, John Travers, Joseph Travers. *Endorsed*, Recl. Read 25th Sept., 1717. 7 pp. [C.O. 152, 12. No. 38.]
- Sept. 17. **84.** H.M. Warrant for Robert Jenny, Clerk, to be Chaplain to the Four Independent Companys of Foot at New York. *Countersigned*, J. Addison. [C.O. 324, 33. pp. 114, 115.]
- Sept. 17. **85.** Archibald Cumings to the Council of Trade and Plantations. *Acknowledges letter etc.* of 12th Dec. last. *Continues*: I must humbly represent that if such seizures of wooll [*transported from one Colony to another*] doe not ly to be tryed in the Court of Admiralty here it will be difficult ever to condemn such seizures in the Courts of Common Law because both Judges and Jurys are generally parties concerned and things of this nature being destructive to the woollen manufactures here it cannot be expected to have that justice in the Common Law Courts as in the Court of Admiralty where all other seizures upon the breach of the Acts of trade are cognoscible. *Acknowledges letter of 2nd March etc. and refers to enclosure.* *Continues*:—Wee have had imported this year to this time about 1,400 pipes of Azores wines, Madera, and Canary wines into this port and about 1,500 hhds. of rume from our own Islands besides a vast deall of suger and molosses here was built in this Colony last year from Aprill to Aprill last about 160 saill of vessels computing one with another att 50 tun each makes 8,000 tun of shipping and the preceeding year about 148 saill: wee have exported since Christmas to Midsummer for Great Brittain 5,041 brls. tarr, 4,934 brls. turpentine and 3,617 brls. of pitch from this port but for your Lordships more

1717.

particular information *refers to* the quarterly accounts transmitted of the imports and exports from each Collector's district to the Commissioners of the Customes *etc.* I have sent your Lordships a draught of the Brittish Empire in North America by which your Lordships will see its scituation and the inconveniencies these Colonies may be exposed to by the French settlements upon our backs (in case of another warr) if timely care be not taken by putting all the Colonies upon an equal foot of Government and protection, *etc.* Signed, Archd. Cumings. *Endorsed*, Recd. 4th, Read 6th Dec., 1717. *Addressed*. 1 p. *Enclosed*,

85. i. Imports of foreign and enumerated commodities imported into Boston in New England, 1714. *Molosses*, 1,074 hhds., 55 barrels, 937 teirces; *Sugar*, 53 hhds., 35 barls., 59 teirces; *Logwood*, 1,434 tuns; *Rum*, 29 hhds., 20 barls., 44 teirces; *Cocoa*, 6; *Cotton wool*, 32. 1715, *Molosses*, 900 h., 119 b., 745 t.; *Sugar*, 3 h., 186 b., 48 t.; *Logwood*, 803 tuns; *Rum*, 19 h., 5 b., 26 t.; *Cocoa*, 66; *Cotton wool*, 9. 1716, *Molosses*, 800 h., 137 b., 778 t.; *Sugar*, 4 h., 521 b., 116 t.; *Logwood*, 275 tuns; *Rum*, 23 h., 25 b., 28 t.; *Cocoa*, 98; *Indigo*, 4½; *Cotton wool*, 9. 1717, (half year to Midsummer), *Molosses*, 388 h., 328 b., 645 t.; *Sugar*, 215 b., 12 t.; *Logwood*, 60 tuns; *Rum*, 12 h., 8 b., 6 t.; *Cocoa*, 7; *Indigo*, 7; *Cotton wool*, 63. Signed, Archd. Cuming, Surveyor and Searcher, 1 p. [C.O. 5, 866. Nos. 128, 128 i.; and 5, 915. pp. 65-68.]

Sept. 18. **86.** Sir Alexander Cairnes and James Douglas to the Council of Trade and Plantations. Details of proposed settlement in Nova Scotia of 200 persons within three years in case there be no war with France or Spain, *etc.* (No. 3 i.) Undertakers first intend to build a small town stockaded round for securing the settlers they shall send over to be employed in making naval stores, *etc.* As this country is cold and not fit for any manufacture the settlers must have their whole supplies from Great Britain *etc.* If at any time hereafter H.M. shall think it necessary to erect a fort on that coast, the place pitched upon by H.M. shall be assigned for that end, if not already built upon. The undertakers do not desire to hinder any persons from fishing in the seas of the said districts. They desire to be under such form of government as H.M. shall hereafter be pleased to appoint and establish there. As this country is a meer wilderness, 'tis hoped all due encouragement will be given to the undertakers, who are ye first proposers for the settlement thereof, in doing of which they must lay out considerable sums of money. (v. Aug. 2). Signed, Alex. Cairnes, James Douglas. *Endorsed*, Recd., Read 18th Sept., 1717. 2½ pp. [C.O. 217, 2. No. 35; and 218, 1. pp. 330-333.]

Sept. 18. **87.** Council of Trade and Plantations to the King. Representation on Mr. Barwick's petition (v. Aug. 29th and Sept. Whitehall.

1717.

12). The time of his absence from Barbados without your Majesty's leave will be two years at Michaelmas next so that according to your Majesty's Instructions to the Governors of that Island his place in the Council is become vacant. But (*for reasons given Sept. 12*) we have no objection why your Majesty may not restore him to his place and precedency therein. and further to allow him to continue here so much longer as may be necessary for the affairs which brought him hither, *etc.* [C.O. 29, 13. pp. 395-397.]

[Sept. 18.] **88.** Bishop of London to Governor Lowther. *Reply to May 17, No. ii. q.v.* As to Dominick Langton, (*v. No. 68 i.*) I take it the House of Commons of Ireland did inflict all the punishment they thought proportionable, nothing being mention'd of his exclusion from preferment in any other Church. Major Mason of the Tower assured me you had promised to provide for him, which I think you told me also, *etc.* As to Acourt, if he have again lost his senses, I shall be oblig'd to you for not employing him *etc.* As to my appointment of a Commissary, by the terms you quote I have so exactly guided myself by the tenour of the Article in your Instructions that it is impossible there should be room for any cavil, *etc.* If Mr. Gordon have so far mistaken himself as to pretend to erect such a Court and exercise such a Jurisdiction as you very amply explain, he has done it without any advice or direction from me, and in case it be inconvenient, it is in your judgment how far it shall be permitted, yet so as that you countenance and support him in the exercise of such jurisdiction as his predecessors have used or even with such farther enlargements as the state of Religion in the Island shall require consistently with the peace of it. For I have not from any other Colony so melancholy an account of the state of religion as from yours, especially if it be true, that not long ago a presentment was prepared by your Grand Jury to complain of the Clergy as a nuisance to the Colony. I am indeed perswaded the attempt was as malicious, as unheard of among Christians; nevertheless it may possibly have some such foundation, as to render it necessary to have a careful inspection into the behaviour of the Clergy with you, and it is therefore the more my duty to do my part in the method hitherto practised, which is by appointing a Commissary. Your demanding of me to produce Letters Patents to authorize me to exercise Ecclesiastical Jurisdiction is more proper for the consideration of H.M. and his Ministers, than mine, who can best judge whether it is fit that you obey H.M. Instructions or no. I can assure you no Governor in the other Colonies, in which there are seven Commissarys make any such demand or the least objection. As to the hard words you give Mr. Gordon, they are very contrary to the accounts I have had and still have of him; however I send him a copy of your letter, and leave him to answer for himself. *Copy, without date or signature. Endorsed, Reed. (from the Bishop of London), Read 18th Sept., 1717. 2½ pp. [C.O. 28, 15. No. 15.]*

1717.

Sept. 18.

Whitehall.

89. Council of Trade and Plantations to Mr. Secretary Addison. *Reply to July 19th.* The Receiver-General of Jamaica has been oblig'd to pay the £620 out of his own stock to John Chaplin the Receiver appointed by the Jamaica Additional Duty Act, wch. we think a very great hardship and injustice to H.M. Patent Officer, and an incroachment upon the Prerogative. And therefore we are humbly of opinion, that H.M. be graciously pleased to give an Instruction to His Governor now going over, that he move the Assembly in H.M. name that they take care to reimburse the said Knight the said sum, with the usual interest of the Island for the same. *Cf. A.P.C. II. No. 1283. [C.O. 138, 15. pp. 296-298.]*

Sept. 18.

Whitehall.

90. Council of Trade and Plantations to Mr. Secretary Addison. *Enclose following to be laid before H.M. in obedience to Order of July 31st. Annexed,*

90. i. Draught of H.M. Additional Instruction to the Governors of Plantations. Whereas by Our Instructions to you, you are required not to pass any law of an extraordinary or unusual nature and importance, whereby our Prerogative or the property of our subjects may be prejudiced without having either first transmitted unto us the draught of such a bill or bills and our having signified our Royal pleasure thereupon or that you take care in the passing of any Act of an unusual and extraordinary nature that there be a clause inserted therein suspending and deferring the execution thereof untill our pleasure be known concerning the said Act *etc.* It is our further will and pleasure, that you do not for the future pass any Act which may any ways affect the Trade or Shipping of this our Kingdom, without a clause expressly declaring that the said Act shall not be in force untill it be approved and confirmed by us, our heires and successors and you are to signify our pleasure herein to the Council and Assembly of our Province of — under your Government. And to take care that the same be punctually observed for the future, upon pain of our highest displeasure. *[C.O. 324, 10. pp. 134-136.]*

Sept. 18.

Whitehall.

91. Council of Trade and Plantations to the King. Commissions having been issued by his late Majesty King William for trying pirates in America *etc.* pursuant to the Act *for the more effectual suppressing of piracy*, which was revived by subsequent Acts, and by the Act in the first year of your Majesty's reign *to prevent disturbances by seamen etc.* is to continue in force for five years from 29th Sept. then next ensuing *etc.*; and we having received advice of some pirates being already seized in New York and in the Bermuda Islands are humbly of opinion that it may be necessary that the like Commissions be renewed *etc.* *[C.O. 324, 10. pp. 136, 137.]*

1717.

Sept. 18. **92.** John Mills to the Council of Trade and Plantations. Proposal for settling, planting and peopling the late French part of St. Christophers. 300 poor families to be granted about 8 acres each near the sea. The remainder to be granted at £5 per acre to John Mills, who will re-sell the same to the present possessors at that price, plus so much pr. acre as they shall agree to allow him for his charge, trouble and pains *etc.* under certain conditions. *Signed*, Jno. Mills. 10 pp. [C.O. 152, 12. No. 39.]

Sept. 19. **93.** *Same to same.* Corrects preceding, proposing 10 acres for each poor family. At the first establishment of Barbados and the Leeward Islands 10 acre men were established, and by that means the inhabitants became very numerous and trade very much increased. But the rich men were too powerfull for the poor, they purchas'd their plantations and soon turn'd them out of possession, which in a great measure depopulated those Islands, and render'd them incapable to withstand the enemy. The 10 acre men must have no power to sell or dispose of their land *etc.* *Signed*, John Mills. *Endorsed*, Recd., Read 19th Sept., 1717. 2 pp. [C.O. 152, 12. No. 40.]

Sept. 19. **94.** Mr. Popple to Governor Hunter. Encloses, for his Whitehall. observations thereupon, copy of Samuel Mulford's petition, 15th Aug., 1717. [C.O. 5, 1123. p. 453; and (rough draft) 5, 1079. No. 94.]

Sept. 19. **95.** Mr. Solicitor-General to Mr. Popple. I have considered the Act to enable William Anderson *etc.* (v. 4th Sept.). As the debt for which the land is to be sold was contracted by his wife when sole, it seems reasonable that so much of her estate should be disposed of to pay it and though this estate would come to the infants after the death of Wm. Anderson, yet as he parts with his estate for life in the premisses to wch. he is entitled as tenant by the curtesie towards the satisfaction of this debt thus contracted, I think the infants will have no reason to complain, the remainder being limited to them absolutely. *Signed*, Wm. Thomson. *Endorsed*, Recd., Read 17th Oct., 1717. $\frac{3}{4}$ p. [C.O. 5, 1051. No. 32; and 5, 1123. p. 455.]

Sept. 19. **96.** Mr. Popple to Mr. Solicitor-General. Encloses, for his Whitehall. opinion in point of law, Acts of Jamaica, (i.) *for the more easy serving of constables.* (ii.) *for the effectual discovery of all persons disaffected to H.M. and to prevent all such persons holding office.* (iii.) *to prevent fraudulent trade to Hispaniola, etc.* (iv.) *to oblige several inhabitants to provide themselves with a sufficient number of white people and to maintain such as shall come over.* (v.) *to encourage the bringing over and settling of white people.* (vi.) *for repealing an Act for the better securing the estates and interests of orphans etc.* (vii.) *to secure the freedom of elections etc.* (viii.) *for granting a further relief in relation to proving of wills and testaments and granting letters of administration etc.* Particularly upon the

1717.

last mention'd Act the Council of Trade and Plantations desire to know whether it do's not any ways interfere with the Governor's Instructions. [C.O. 138, 15. pp. 298-300.]

Sept. 19.
Hampton
Court.

97. Mr. Secretary Addison to the Council of Trade and Plantations. Refers following for their report. *Signed*, J. Addison. *Endorsed*, Recd. 24th, Read 26th Sept., 1717. *Super-scribed*,

97. i. Petition of Edward Pennant and Anthony Swymmer, of Jamaica, to the King. Upon your Majesty's warrant, H.E. Peter Heywood has granted to Edward Nichols the escheated estate of the late Anna Williamina Bernarda Kupius, previously granted by Governor Lord A. Hamilton to petitioners. *Pray for relief etc.* (v. A.P.C. II. 1284 *etc.*). *Signed*, John Moore. *The whole*, 1 p. [C.O. 137, 12. Nos. 65, 65 i.; and 138, 15. pp. 310-315; and (*French version of petition only*) 137, 46. No. 10.]

Sept. 19.

98. Memorandum of previous correspondence relating to the estate of Mrs. Kupius. 1 p. [C.O. 137, 12. No. 66.]

[Sept. 20.]

99. Mr. Solicitor-General to Mr. Popple. I am humbly of opinion that the Act of St. Christophers *to impower the Surveyors etc.* (v. 4th Sept.) is proper to be pass'd as it is commodious to the publick and as the persons whose private properties would be affected thereby are provided for. I don't apprehend any inconvenience from the said Act but as the usual method in such cases in England is that the value of the land of private owners should be appraised by a jury upon oath it seemes reasonable at least that the two appraisors in the Act menconed should be upon their oathes unless the method of that country is otherwise and that the appraisors being chose one by the Surveyors and the other by the proprietor should be thought a sufficient provision to secure the property of the owners of the land so converted to the publick use. *Signed*, Wm. Thomson. *Endorsed*, Recd. 20th Sept., Read 12th Oct., 1717. $\frac{3}{4}$ p. [C.O. 152, 12. No. 46; and 153, 13. pp. 112, 113.]

Sept. 20.
Maryland.

100. Governor Hart to Mr. Secretary Addison. *Acknowledges letter of July 8th*, signifying that H.M. had receiv'd advice from the Court of France, of the revolt of the Island of Martinica from the French Government, and sent away ye Governor and Intendant thereof, and that it was H.M. pleasure (in regard to the friendship and amity subsisting between H.M. and the Crowne of France, and to the good correspondence which H.M. is always willing to maintain with the Regent) that the rebellion shou'd intirely be discouraged and discountenanced by giving the persons concern'd in it, no manner of protection or assistance, from H.M. adjacent Islands or other Dominions *etc.* In all dutifull obedience to his Sacred Majesty's commands, I immediately on the receipt of yr. letter, laid it before the Council of

1717.

this Province, who advis'd me to publish a Proclamation, to declare H.M. pleasure, concerning this Rebellion *etc.* *Signed*, Jo. Hart. *Endorsed*, R. 1st Feb., 1717. 1½ pp. *Enclosed*,

100. i. Proclamation by the Governor of Maryland. Annapolis, 13th Sept., 1717, forbidding assistance to the rebels of Martineca, *etc.* [*C.O.* 5, 720. *Nos.* 25, 25 i.]

Sept. 24.
Pensilvania.

101. Deputy Governor Keith to the Council of Trade and Plantations. *Refers to* letter of 26th (?=27th) June. *Continues* : Having already travelled above 500 English miles this summer in visiting this Government, *etc.* I found great plenty of iron oar in many places. which oar blacksmiths with their common furnaces work up to a great advantage and in such quantities as thereby to discourage the importation and lower the price of European iron ; I have therefore sent several paterns of this oar to some merchants in London, with a description of the places where it is found, and if any proposals are offered to your Lordships for encouraging an iron manufactory there I hope your Lordships will be inclineable to promote a design which if pursu'd, in my humble opinion cannot fail to prove very advantageous both to the trade and navigation of Great Britain. I have many reasons to perswade myself that the Crown will soon find an advantage and conveniency either by purchase or some other agreement to take the Dominion of this Colony into it's own hands, and it is with this view that I would humbly offer it to your Lordships as an useful thought, so to order matters in the mean time as that both sides of De La Ware River and Bay vizt., the West Jerseys, this Province, and the three Lower Counties may be brought under one Governmt. the number of Quakers that are settled in West Jersey seems to make such an union very natural, and the continual jarrings between the people of West Jersey and New York, of which I believe there are many instances now lying before your Lordships, will not a little contribute towards the same end. *Signed*, W. Keith. *Endorsed*, Recd. 4th, Read 12th Dec., 1717. 1¼ pp. *Enclosed*,

101. i. Minutes of Council of Pensilvania, held at Cannistogo, 19th July, 1717. *Present*, the Lt. Governor and Council and the Chiefs of the Cannistogoe or Mingoe Indians, the Delawares, the Shawanois, and Gunawoise, all inhabitants near the River Susquehanna. Capt. Christopher Smith, instructed by Lt. Governor Spotswood, showed that some Seneca Indians had confessed to having murdered some Cattabaw Indians near Fort Christianna, not knowing them to be in amity with Virginia. He was informed that some Shawanois Indians were concerned in this murder, and demanded an enquiry *etc.* The Shawanois admitted that six of their number had accompanied that party of the five Nations who had committed the fact, but were no way concerned in the attack. They had only one Cattawbra prisoner, taken many years ago *etc.* Capt. Smith proposed that he might have liberty to treat

1717.

with those Indians, in order to make a league with them in behalf of the Government of Virginia *etc.* The Governor answered that he did not conceive it to be necessary or useful that any persons whatsoever should be permitted to treat with Indians except the Government of that Colony to which the Indians respectively belonged. If Collo. Spotswood desired to make any treaty with the Indians who lived under the protection of this Government, for establishing a peace between them and the Indians under the protection of Virginia, the Governor himself with the advice of his Council, would heartily endeavour to accomplish a treaty upon such reasonable terms as Collo. Spotswood might propose, *etc.* and that in the mean time he would (as it had been usual in this Province) insist upon our Indians friendship to all the English Colonies, with their dependent Indians, and Virginia in particular. *Addresses the Indians accordingly. Copy. 6 pp.*

101. ii. The Address of Lt.-Governor Keith to the Assembly of Pennsylvania, 20th Aug., 1717, with their reply *etc.* *Copy. 5½ pp.* [C.O. 5, 1265. Nos. 88, 88 i., ii.; and (without enclosures) 5, 1293. pp. 132, 133.]

Sept. 25.
Whitehall.

102. Mr. Secretary Addison to the Council of Trade and Plantations. Enclosed I transmit to your Lordships, by H.M. command, the copie of a Memorial presented to the King by Monsieur d'Iberville the late French Envoy, *etc.*: that your Lordships may fully inform your selves of the state of this affair, and draw up such a report upon the same, as may be laid before H.M. *Signed, J. Addison. Endorsed, Recd. 26th Sept., Read 6th Nov., 1717. 1 p. Enclosed,*

102. i. Memorial of M. d'Iberville to the King. London, July, ²⁹/₁₀, 1717. The undersigned Envoy Extraordinary of France has received fresh orders to repeat to his Britannic Majesty the humble prayer, which has already been made several times, for the necessary directions to be given to oblige the inhabitants of Nevis to fulfill the capitulation made by them the 4th of April, 1706, *etc. Signed, D'Iberville. Copy. French. ¾ p.*

102. ii. Memorial concerning the Capitulation of Nevis. The officers and inhabitants of the Island seeing themselves unable to resist the forces of M. d'Iberville, and wishing to avoid total disaster, asked to capitulate in the redoubt (*deodan*) (which was about to be taken by force). M. d'Iberville granted their request, to the prejudice of the considerable advantage which he would inevitably have gained from the capture and complete pillage of this Island. *Conditions of Capitulation quoted. v. C.S.P. 1706. Nos. 357 iii. (a), 357 v. Continues:* All the negroes not having been surrendered, as required by the 7th Article, but on the contrary several of the inhabitants having caused them to seek

1717.

refuge in the redoubt contrary to their plighted faith, M. d'Iberville prepared to reduce them by force a second time within this redoubt, but the principal officers and inhabitants proposed to him a new Treaty in order to avoid a worse misfortune, which was signed 19th April. *Quote, C.S.P. 1706. No. 357 vi. Continues:* M. d'Iberville religiously performed everything he had agreed to by these Treaties. But of all the conditions to which the officers and inhabitants agreed, they have fulfilled on their part only that relating to the hostages, and they have taken so little care to redeem them, that they have not even provided them with what is necessary for their subsistence, these four hostages having consumed more than 20,000 livres for their keep at Martinique. *Demands payment with interest and fulfillment of terms of Capitulation, April 4 and 19, (1,400 negroes or 140,000 piastres) from the Company established in England for the Trade with Nevis. Also 100 francs for each prisoner not released in exchange as agreed, = 170,000 livres. French. Copy. 6 $\frac{3}{4}$ pp. [C.O. 152, 12. Nos. 50, 50 i., ii.; and 153, 13. pp. 149-158.]*

[Sept. 25.] **103.** Agents of Barbados to the Council of Trade and Plantations. The Legislature of Barbados having past an Act for laying a duty on all foreign sugars *etc.* that are not the produce of H.M. Plantations which shall be imported thither, *we enclose following*, not doubting but that you will recommend it for H.M. approbation. *Signed*, Jo. Micklethwaite, John Lloyd, Geo. Bampffield. *Endorsed*, Reed. 25th, Read 27th Sept., 1717. $\frac{3}{4}$ p. *Enclosed*,

103. i. Reasons for the above Act. The French and Dutch have the advantage of a newer soil and consequently can sell their sugars far cheaper than the Planter of Barbadoes can, who hath a soil almost worn out, *etc.*, for a plantation of 200 acres in any of the French colonies may be cultivated with 30 or 40 negroes and few cattle or horses, because their land is fresh and rich, which in Barbadoes would require 150 negroes, with 50 or 60 head of cattle and a dozen horses, and they cannot buy a good beast fitt for work under £20, and horses are dearer, *etc.* This law is to putt the planter upon an equal footing with the importer of foreign sugars *etc.* (v. Oct. 14). $1\frac{1}{4}$ pp. [C.O. 28, 15. Nos. 16, 16 i.; and 29, 13. pp. 397-402.]

Sept. 25. **104.** Council of Trade and Plantations to Mr. Secretary Whitehall. Addison. Enclose following to be laid before H.M. *Annexed*,
 104. i. Council of Trade and Plantations to the King. *Representation in reply to 15th Nov., 1716, q.v., and the Marquis de Monteleon's Memorial concerning H.M. subjects cutting logwood in the Bay of Campechy. Althô' we did humbly propose such methods as we esteem'd proper and necessary to support the cutting of logwood*

1717.

in the West Indies, when Mr. Methuen was on departure for Madrid, yet on this occasion, when a Trade of so great importance to our Navigation and the American Colonies is in danger of being lost, we have again carefully perus'd the books and papers in our Office, and receiv'd from the merchants and others the fullest informations we can hope to obtain, which hath taken up much time ; and we do now humbly crave leave to lay before your Majesty the past and present state of this Trade, with the arguments that formerly engag'd your Majesty's Royal Predecessors to protect and support the same, to which we shall add some observations, and the reasons that induce us to conclude, your Majesty's subjects have now as full and ample right to this trade as to any other liberty or privilege that has been allow'd by the Crown of Spain, and enjoy'd by them by virtue of any Treaty whatsoever. In the first place therefore, it must be observ'd, that logwood is one of the products of the Province of Yucatan, which extends itself into the North Sea in form of a Peninsula, about 100 leagues in length, the Spaniards are possess'd, of San Francisco de Campechy, it's capital town and port, which has been thrice taken by the English, and besides they have two other inland towns, Merida and Valladolid, of no great importance having few inhabitants, but the rest of the Province before the logwood cutters were settled, was in a manner wholly desolate and uninhabited. Nevertheless it must be allow'd that the Spaniards had from time to time cut wood in several places near their own settlements, but during the hostilities that were committed in the West Indies before 1667, they deserted that employment, being frequently interrupted by the privateers, both by sea and land, who by degrees becoming acquainted with the coast and with those parts where the wood grew, that were most remote from the Spaniards, they at last fell into the trade, and laid the foundation of their future establishment. Their first settlements were near to Cape Catoche, but upon (if not before) the publication of the Treaty concluded at Madrid in 1667, by the Earl of Sandwich, they likewise settled near Suma Sunta, adjacent to the Laguna de Terminos and to Trist and Beef Islands, which being the most convenient place for cutting of wood, and a tolerable harbour for their ships and vessels, the whole trade soon center'd there, for notwithstanding the aforesaid Treaty was principally intended to adjust and settle our commerce with his Cath. Majesty's Dominions in Europe *etc.* (*quoted*), it was concluded that the Peace extended to America as well as Europe ; whereupon many of the British privateers that had before us'd those seas, to the great

1717.

interruption of commerce were then induc'd to quit their former course, and to settle with the logwood cutters in the Laguna de Terminos ; so that in 1669 their numbers were considerably increas'd, and great quantities of wood were transported both to Jamaica and New England. The American Treaty for restraining depredations in those parts, being afterwards concluded by Sir William Godolphin in July, 1670, added to their strength by encouraging several others of the privateers or seamen to fall in with this employment of cutting wood, to which it was now generally suppos'd they had a right by the said Treaty. And as the logwood trade was of the greatest importance to Jamaica, on the 10th of March, 1671(2), Sr. Thomas Lynch, then Governor of that Island, not having receiv'd any orders how to govern himself in this affair, transmitted to the Lords of the Council the reasons that induc'd him to encourage the same under proper regulations : 1st That the English had done so for divers years. (2) It was in desolate and uninhabited places. (3) That this seems a possession granted by the American Treaty. (4) It might give us a right to seclude the Dutch and the French, if we shou'd break with Spain. (5) The Spaniards had not to that time made any complaints of it. (6) This employ makes the reducing of the privateers more easy. (7) That it will employ 100 sail annually, and bring in more to H.M. Customs and the Nation's trade than any Colony the King hath. Whilst there arguments were under consideration, the Earl of Arlington laid before the Lords of the Committee a letter from Sr. Thomas Modyford, the late Governor of Jamaica dated the 16th of May, 1672, wherein, after he had given an acct. of the great extent or compass of the country in which the logwood grows, how meanly the Spanish towns on the foresaid tract of land were peopled, and of the places frequented by the English, he adds, "That they have us'd this trade for three years past, at first finding it by the seaside, but afterwards being forc'd to go four or five miles up into the country for their refreshment, they had planted Indian provisions, and built houses there, to keep themselves and their provisions from the sun and rain, that in generall they had affirm'd to him, never to have seen any Spaniard or other person in all the time of their working, altho' they had gone 6 or 7 miles further into the country, to kill deer *etc.* This possession," he says, "in the West Indies, is held the strongest that can be, vizt. *falling of wood, building of houses and clearing and planting the ground.*" Sr. Thomas Lynch, to confirm what he had before asserted, and to justify his proceedings, in Nov., 1672, sends home the copies of several depositions he had taken from the masters of

1717.

ships and others concern'd in the logwood trade, and of a Proclamation he had issued out for the better regulation and security thereof. (*Quoted, v. C.S.P. 1672. Nos. 954, 954 i., ii.*) *Continue*: In January following, the Secretary of the Lords of the Committee advises him that their Lordships did altogether allow of the cutting of logwood *etc.* (*quoted, v. C.S.P. 1673. No. 1015*). This allowance of carrying on the trade as aforesaid, gave fresh vigour to those engag'd in it, tho' about this time the Spaniards began to interrupt them in the prosecution thereof, and to dispute their right to that liberty they had so long quietly enjoy'd. For we must insist on it, as an undoubted and uncontested fact, that from the publication of the Treaty in 1667, until about two years after the conclusion of the American Treaty, the logwood cutters had never been in the least disturb'd or molested in their employment, either directly or indirectly, nor dos it appear that the Spanish Govrs. took any umbrage at or made any complaint about it, much less did they pretend to an exclusive right, or that it was contrary to the laws of their commerce, or an infringement of the Treaty. Nay so far were they from expressing any resentment on this acct. or making it a pretence to justify the first hostilities they committed, in violation of the Treaties both of 1667 and 1670, that when Sir Tho. Lynch sent to Don Fernando Francisco Descavado, the Governor of San Francisco de Campechy, to demand satisfaction for two English ships which had logwood on board, and were taken by some Spanish men of war; in his answer to that charge, on the 6th of April, 1672, he takes no notice of our cutting logwood, or that those ships had any on board, or that we had settled on the Laguna de Terminos, nor had he any other complaint to make by way of retaliation, save that an English vessel had taken a Spanish bark at the Laguna de Terminos bound to Tobasco, which is the more remarkable, because the said Laguna was at that time and had been several years actually in our possession. It must likewise be further urg'd, that before the Queen Regent of Spain had publish'd a Royal cedula bearing date the 22nd of June, 1672, which orders, "that such as shou'd make invasion, or trade without license in the ports of the Indies, should be proceeded against as pirates" *etc.*, it dos not appear that cutting of logwood was esteem'd by the Spaniards to be an invasion and trading without licence, but by vertue of this cedula it was at length carry'd to that height that if our ships had but any logwood on board, they were confiscated without remedy. Upon this subject the Earl of Arlington on the 19th of March, 1674, wrote to Sir William Godolphin, then Ambassador at Madrid,

1717.

as follows, "In a word, H.M. is so sensible of the sufferings of his subjects in this particular, that you must endeavour by all the skill you have, to procure some liberty for the cutting of logwood in those remote parts where the Spaniards have none, and H.M. subjects have had long abode and residence, and the rather, for that we find by all the replys we have seen, they justify themselves by that *single point of cutting logwood* nay even of finding it on board our vessels, wch. to us appears very unreasonable." *Quote* Sr. Lionel Jenkins v. C.S.P. 1675. No. 693 *end. Continue*: Thus by a Spanish Auto or a decree of that Court, which was inconsistent with, and made (ex post facto) after the ratifications of a publick and solemn Treaty, it was manifestly intended not only to debar the British subjects of that liberty they enjoy'd before the said Treaty was made, but in some measure to deprive them of the common right of all Nations; whereas if your Majesty's subjects did actually hold and possess the Laguna de Terminos and the parts adjacent at the time of the conclusion of the American Treaty, as hath been already prov'd, the last clause of the 7th Article will determine to whom the same belongs. *Quote* Article 7, "The King of Great Britain shall hold and keep . . . all the lands *etc.* in any part of America . . . which he and his subjects now hold and possess *etc.*" And as long as the 8th Article of the same Treaty subsists, it will appear very extraordinary that the Spaniards shou'd pretend to any dominion or power in those ports and havens where they neither had fortifications nor magazines, or in those places which were not possess'd by them, because these descriptions are undoubtedly laid down by the Treaty, as the sole and distinguishing marks of the sovereignty of the Crown of Spain in those ports and places, from which only we were to forbear sailing to and trafficking in, whilst all other ports and places were left open and free. But notwithstanding the said Treaty was so strong in our favour, the Spaniards having thereby compass'd the two main ends they propos'd to themselves, vizt.: (i.) The securing their West India Trade to themselves, by excluding us, and consequently all other Nations from trafficking with them, a point which could never be before obtain'd, tho' it was strenuously insisted on in the reign of King James the 1st and afterwards in 1630. (ii.) The dispersion of the privateers, who had long miserably harrass'd and distress'd the Spanish Settlements, and notably check'd the encrease both of their power and trade in those parts, but were now entirely reduc'd by the great care of the English Governors, and by their entring into the Logwood Trade. Yet the only advantages Great Britain aim'd at by the Treaty, vizt. that

1717.

her subjects might carry on their trade without interruption, and peaceably enjoy those places they then held and possess'd, were in a great measure absolutely defeated. For after the publication of the aforesaid Royal cedula, many of our ships were made prizes under that pretence, sometimes by Spanish men of war, at other times by English pirates seduc'd by the Governors into the service of Spain, and afterwards by the Biscayneers that were sent to cruize in those seas. And upon the same pretence in April, 1680, several ships under the command of Don Philipppo de Varedda Villegas arriv'd at the Island of Trist and the Laguna de Terminos, attack'd our logwood cutters, whilst seperated from one another, and dislodg'd them from thence. Moreover the Spanish Govrs. encourag'd by this success, and little regarding the just right of your Majesty or your subjects even to Plantations still more distant from their Dominions, did soon resolve upon another Expedition, and in 1682 surpriz'd New Providence one of the Bahama Islands. But these places were again soon repeopled, and the trade from Trist and the Laguna in 1682 was greater than ever. The rise and progress of the logwood trade from about 1667 to 1682, being thus stated, we presume, it would be too tedious and not very material to the point in question, to enter into the particulars, how and in what manner it was afterwards constantly carried on, and how it has been from time to time interrupted and supported until the year 1713, when the adjustment and settlement thereof was again under consideration both at Madrid and Utrecht. But since the Spanish Ambassr. insists on it, that by the Treaty of Peace made at Utrecht, in which (he says) it is stipulated that the lands or other places, which had been taken in the Indies during the war, should be evacuated, your Majesty is engag'd to oblige your subjects who are come to the Lake de Terminos, to leave it immediately, we most humbly take the liberty to represent further to your Majesty ; That if his Excellency would hereby insinuate that your Majesty's subjects are but lately, or during the war come to the Laguna de Terminos, this is a mistake in fact, for it appears by the aforementioned depositions sent by Sr. Tho. Lynch, as likewise by the several representations from Sr. Thomas Lynch and Sr. Thomas Modiford, that they were there in 1669, and for some time or years before ; and it is well known to the Spaniards that they have been ever since possess'd of that part of the country, except for two or three months after the aforesaid assault in 1680. Neither will what the said Ambassador asserts from the Treaty, answer the end, for which it was produc'd. By the 8th Article, it is indeed agreed by his Cath. Majesty

1717.

“ not to alienate any of his territories in the West Indies to the French or to any other Nation, and upon this condition her late Majesty engages that she will give assistance to the Spaniards, that the ancient limits of their Dominions in America be restor'd *etc.*, if it shall appear that they have in any manner been broken into, and lessen'd in any part since the death of King Charles II.” but to argue from hence that the Laguna de Terminos. in possession of the English before 1670, must be evacuated when this Treaty has only reference to what has pass'd since the demise of the said King Charles II. is very extraordinary. But if the Ambassador refers to the Memorial on the Affairs of Commerce that was sign'd at Madrid 13th July, 1713, by the Lord Lexington and the Marquis de Bedmar, we must confess that the Article relating to the Logwood Trade, propos'd therein by his Lordship, had not then its effect. But we are assur'd, it was from thence, among other things, referr'd to the discussion of the Plenipotentiaries at Utrecht. What pass'd particularly on this affair at Utrecht, doth not appear to us, but by the Treaty of Commerce concluded the 28th of November following (of which the said Ambassador takes no notice in his Memorial) and wherein the several interests of the two Crowns and their subjects with respect to commerce were more particularly under consideration, it is manifest. that the rights and liberties insisted on by the British subjects in the West Indies were adjusted by the Lords Plenipotentiaries. and that a clause in the Treaty which determines this contest relating to the cutting of logwood beyond all possibility of dispute for the future, was then agreed upon and concluded, it being expressly stipulated in the first Article after the confirmation and ratification of the American Treaty in 1670, as follows, *Without any prejudice however to any liberty or power which the subjects of Great Britain enjoy'd before, either thro' right, sufferance or indulgence.* If therefore this comprehensive clause (which relates only to the West Indies) confirms. secures and re-establishes those liberties which the subjects of Great Britain enjoy'd in America before the Treaty in 1670, it necessarily follows, that they having then enjoy'd the liberty of cutting logwood without any interruption (as hath been fully prov'd) either thro' right, sufferance or indulgence; they are again entituled by this Treaty to the same liberty in as plain and express words as can be us'd or imagin'd. And that your Majesty may be more fully appriz'd of the importance of this Trade, the same will be effectually demonstrated by the following acct. of the quantities of logwood imported since the war, vizt., 1713-1716, in four years 4,965 tuns, that is, communibus annis 3,741 tuns, which cannot be computed

1717.

at less than £60,000 pr. annum; tho' the price is at present reduc'd from £40 to £16 the ton, whereas before your Majesty's subjects were settled there, it was worth £100 the ton. Nor is this trade less necessary than beneficial to your Majesty's Dominions, by reason of the great incouragement it gives to our seamen and shipping, which at all times require a particular attention, but now especially when it's daily observ'd that very many British mariners, either thro' defect of the Laws, for want of imployment at home or in hopes of greater advantage abroad enter themselves into foreign service. Upon the whole therefore we are humbly of opinion, that the subjects of this your Majesty's Kingdom, for some years before as well as after the conclusion of the American Treaty in 1670, did enjoy an uninterrupted liberty of cutting logwood in the Laguna de Terminos and in other places not inhabited by the Spaniards in the Province of Yucatan, either thro' right, sufferance or indulgence: That the said American Treaty did establish a right in the Crown of Great Britain to the Laguna de Terminos and the parts adjacent, those places at the time of the Treaty, and for some years before, being actually in possession of the British subjects. That the Royal cedula issued out by the Court of Spain, was a violation of the aforesaid Treaty, forasmuch as the carrying on the Trade to the Laguna de Terminos, was thereby interpreted an invasion, and the logwood cutters accounted pirates. And that your Majesty's subjects having been (at least) suffer'd to enjoy the liberty of cutting logwood as aforesaid, before the conclusion of the American Treaty (altho' your Majesty should not insist on your said right to the Laguna de Terminos) yet, that the same liberty is absolutely granted and confirm'd by the Treaty of Commerce made at Utrecht. And we do further think it our duty to represent to your Majesty, that altho' the said Spanish Ambassador seems to declare in his Memorial, that no attempt should be made to dislodge your subjects settled on the Laguna de Terminos in a less time than eight months from the date of his said Memorial, yet they were dislodg'd and taken prisoners in the same month the Memorial was deliver'd, as appears by several affidavits sent to this Board by General Hamilton your Majesty's Governor of the Leeward Islands. 21 pp. [C.O. 137, 46. No. 27; and 389, 26. pp. 144-168.]

Sept. 26.
Whitehall.

105. Council of Trade and Plantations to Mr. Secretary Addison. *Representation upon petition of Sir A. Cairnes etc. for a grant of land in Nova Scotia etc. (v. 2nd Sept.).* We have enquired how far they would engage for the making such settlement, *Quote proposal of Sept. 18. Conclude; This undertaking*

1717.

appearing to us to be for H.M. service in peopling the place and for the benefit of this Kingdom by laying the foundation for a trade from thence, we have no objection why H.M. may not grant petitioners request upon the conditions aforementioned. [C.O. 218, 1. pp. 334-337.]

Sept. 26.
Whitehall.

106. Mr. Popple to Mr. Lowndes. *Reply to 22nd Sept.* The Council of Trade and Plantations are of opinion that, as it is H.M. undoubted right to make leases of land belonging to the Crown, Mr. Attorney General or some of H.M. Council at Law are the proper Judges, whether the draught of the lease be in due form. *Enclose copy of preceding and suggest that the leases be under conditions. etc.* [C.O. 218, 1. pp. 338, 339.]

Sept. 26.

107. Mr. Solicitor General to Mr. Popple. I am humbly of opinion that the Act of Barbados *to dock the intail of certain lands* etc. (v. Sept. 4) is very proper and is only to supply the place of fines and recoverys by which according to the law of England these partys in whom the fee simple of these estates are now vested might if the estates were in England have effectually settled it as by this Act and barred all remainders, etc. *Signed,* Wm. Thomson. *Endorsed,* Recd. 26th Sept., Read 11th Oct., 1717. $\frac{3}{4}$ p. [C.O. 28, 15. No. 18; and 29, 13. pp. 406, 407.]

Sept. 26.

108. *Same to same. Reply to Sept. 19th.* I have no objections to the laws [of Jamaica] therein mentioned only I find in *Nos. iii., iv., v. and vii.,* where forfeitures are treated the King's prerogative of entering non vult ulterius prosequi is taken away. Not that I presume any one would advise the King to make use of that power to the prejudice of the publick especially where a part of the forfeiture is given to an informer. But as cases may happen where the exercise of that prerogative may be necessary and commendable, I never mett with any Act before that takes it away but if it has obtained in this Island in many other instances, it may not be thought so considerable as to create alterations in these Acts. In the Act *to prevent the trade to Hispaniola* there is a forfeiture of £500 on every master of a ship who shall not take the oath therein mentioned one moiety to him who will sue seize and informe for the same. I think the word seise should be struck out as improper at that place, 'tis mark'd with a cross in the margent against the word and towards the latter end the word his is wanting before the word Majesty. As to the Act about *probates of wills*, it does interfere with the Governour's Instructions for that the power of granting probates is made subject to the Supreme Court of Judicature where before the Appeal from any supposed wrong lay only to the King in Council. I cannot say that this law is unreasonable or seemes to be attended with any inconvenience to the subjects the contrary theire appeale will receive a speedyer and cheaper determination and in cases of small vallue the want of that must oblige persons to

1717.

beare theire wrongs rather than appeal to England. But it is certainly abridgeing the present power of the Governour by making his probates liable to be repealed there, which are not so now and this is in some measure impairing the King's prerogative. *Signed*, Wm. Thomson. *Endorsed*, Recd., Read 26th Sept., 1717. 1 p. [*C.O.* 137, 12. No. 64; and 138, 15. pp. 307-309.]

Sept. 26.
Whitehall.

109. Mr. Secretary Addison to the Council of Trade and Plantations. Encloses following for their report. *Signed*, J. Addison. *Endorsed*, Recd., Read 27th Sept., 1717. 1 p. *Enclosed*,

109. i. Memorial of Lord Archibald Hamilton to the King. *Complains* of the behaviour and disaffection of several of the Council and the Deputy Secretary Page. Although expressly commanded by H.M. Instructions, in case of any complaint against their Governor, to give him a copy of the charge, the party opposed to him in the Assembly, knowing there was no just cause for any accusation, collected a large sum of money and remitted it to Great Britain, to sollicite the affairs of the Island, a preceeding without president and contrary to H.M. Instructions, and at their instigation Page, a person unqualified and of an ill character whom Lord Archibald had refused to admit into the office of Deputy Secretary, left the Island without licence, contrary to law, and procured wilful and perjured affidavits charging against Lord Archibald *etc.* with encouraging and being concerned in fishing upon the Spanish wrecks and robbing them *etc.* Your Majesty was pleased to recall him, and appoint Mr. Heywood to succeed him, whom he had some months before by the unanimous advice of the Council removed from the Council and from being Chief Justice. The new Councillors appointed with the said new Governor were those whom your Majesty had before at the instance of Lord Archibald thought fitt to displace, and others the most violent men in the Assembly, who then became the majority of the Council, *etc.* Far from complying with your Majesty's Instructions, the new Governor and Councillors, in the enquiry made by them, acted in the most arbitrary, partiall and unjustifiable manner, denying Lord Archibald the common right of the meanest British subject vizt. a copy of their charge or by any means to give him any knowledge of what they had to alledge against him, thereby greatly abusing the trust reposed in them, the measures they took having been with the only view of aspersing him by screening the guilty against your Majesty's just and royall intention of making restitution to the Spaniards. Thus unheard, ignorant of his charge, did Mr. Heywood and new Councillors seize his person, and at a day's warning

1717.

sent him a prisoner to Great Britain, having granted a very extraordinary if not illegall warrant for his commitment, and all this by a majority of one only, and those new Councillors, the rest protesting. Lord Archibald since his arrivall here has continued many months under bail to appear and answer his charge having in the mean time made frequent applications to have the said accusation brought to a hearing. The Governour and Councillors conscious of the injustice of their proceedings, have entirely dropt their charge, and have chose rather to disobey H.M. Royall commands than appear any further in the matter. By all which it appears that the complaint was raised thro' their malice without any just foundation, merely to procure his recall. *Prays for the removal of the said Councillors and the Deputy Secretary, as well for restoring his injured reputation as for discouraging such evil practices for the future, etc.* 2½ pp.

109. ii. Samuel Page to Governor Lord A. Hamilton. On board the *Diamond*, March 6th, 1715. Announces that he has left Jamaica, without H.E.'s consent, and deposes Avery Wagstaffe to execute the office of Secretary *etc.* *Copy.* 1 p.

109. iii. Mr. Bernard to Lord Archibald Hamilton, Jamaica, June, 1717. In the Secretary's Office I was astonished to see the entry of a ticket from Lord A. Hamilton to Samuel Page to go off this Island. Page's impudence is surely unparalleled. I very well remember *preceding* letter, *etc.* *Copy.* ½ p.

109. iv. Copy of license for Samuel Page to depart *etc.* referred to in preceding, and purporting to be *Signed*, A. Hamilton. *Copy.* ½ p.

109. v. Copy, in French, of *No. 1.*

109. vi. Copy, in French, of H.M. Letter to Governor Lord A. Hamilton, 10th April, 1716. *q.v.* [*C.O.* 137, 12. *Nos.* 67, 67 i.-vi.; and (*covering letter and enclosure i. only*) 138, 15. *pp.* 315-325.]

Sept. 27.
Londn.

110. D. Harris to Mr. Popple. Here being a clamour att ye Jamaica Coffee house about making one Caillard of Jama. a Councillour there, I think fitt to acquaint you that he was bookkeeper to a factory house established by Mr. Way and myselfe, *etc.* I have now a fair demand on him for £800 for wch. I must sue him *etc.* *Signed*, D. Harris. *Endorsed*, Recd. 28th Sept., Read 10th Oct., 1717. *Addressed. Postmark.* 1 p. [*C.O.* 137, 12. *No.* 73.]

Sept. 27.
Hampton
Court.

111. H.M. Additional Instructions to Lt. Governor Bennet. *As No.* 90 i. *Signed*, George R. *The like Instructions were sent to Governors Hunter, Shute, Lowther, Hamilton, and George Earl of Orkney.* [*C.O.* 324, 33. *pp.* 102, 103.]

1717.
Sept. 28.
N. York.

112. Governor Hunter to Mr. Pople. *Encloses following for Bampffield, etc. Continues:* If no mark of discountenance or discouragement be put at home on these men, I mean Cox, Bustill, Mulford and Sonmans, I believe the Ministry will be troubled with addresses from both Provinces very speedily relating to these enemys to their countrey and all that is good. I have not had the honor of any commands from the board of a long time. Only I beg that in my name you'll be pleased to recommend to the Council of New York Francis Harrison Esq. it is true there is no vacancy but a necessity of a supernumerary several Councilors living at a distance some such as Col. Schuyler, Renslaer and Heathcot, not attending one day in a year so that I am frequently at a losse for a Quorum. Our Council in the Jerseys dwindles. Mr. Huddy and Mr. Parker are dead. I desire in ye room of the former, Peter Fretwell, and of the later John Parker son to the deceas'd. I hope the justice of my clame will make amends for ye want of my personal solicitation in parliat. this session and I beg it may be brought on unlesse you be ordred otherwise as before. I need not excite you to act for your friend, I have experienc'd too uncommon a generosity from you to doubt it and am with a warm heart intirely yours, *Signed, Ro. Hunter. Endorsed, Recd. 16th, Read 26th Nov., 1717. Holograph. 2½ pp. Enclosed,*

112. i. Extract from Journal of Assembly of New York, 13th Sept., 1717. The Committee appointed to consider of a memorial, entitled a Memorial of several aggreivances and oppressions of H.M. subjects in the Colony of New York, reported that they are of opinion the same is a most false, malicious and scandalous paper, reflecting upon the Governour and Government and the wholl Constitution of this Colony, and of pernicious consequence. They conceive, that the thanks of this House ought to be returned H.E. for communicating the same, and that he be address'd to use his interest at the Court of Great Britain, to find the author, in order to be brought to justice, and in the mean time H.E. would please to acquaint the Indians of the five Nations, that we utterly abhor and detest that suggestion in the said paper or lybell, of reducing the Indians by force and possessing their lands, for the steadiness of those Indians to the interest of Great Britain, all the last warr with France, it is, that we owe in a great measure our present security, *etc.* Address ordered accordingly. *Copy. 1 p. [C.O. 5, 971. Nos. 24, 24 i.; and 5, 995. pp. 360-363.]*

Sept. 28.
[London.]

113. Copy of the Daily Courant, No. 4974, recording the presentation to H: M. by Mr. Secretary Addison of the Address of the Grand Jurors of New York, June, 1717, *etc.* *Endorsed, Recd. (from Mr. Philips), Read 12th Feb., 1717½. Printed. 2 pp. Torn. [C.O. 5, 1051. No. 53.]*

Sept. 29.

114. Petty expences of the Board of Trade, postage,
Wt. 441. C.P. 4.

1717.

stationery *etc.* from Midsummer to Michaelmas, 1717. 4 pp.
[C.O. 388, 77. Nos. 32, 34, 36.]

Oct. 1.
Newcastle in
St. Johns in
Newfoundland.

115. Capt. Passenger to Mr. Popple. Whereas the Council of Trade and Plantations commands me to take the most effectual methods to prevent the irregularitys and abuses committed in Newfoundland, especially in preventing the New England men carrying away H.M. subjects to New England, I take this opportunity to acquaint their Lordships *etc.*, that the last year the New England men carried away 1300 men, and a great many of them is for want of due care in the masters of fishing ships, after their voyage is made let them go where they please and not carry them home as the Act of Parliament directs, a great part of those men that are so carried are idle fellows that have spent all they get in the summer, then they ship themselves in the New England vessells, of which numbers of them come every year for that purpose, and when they come to New England they demand three pounds for their passage, and those that cannot pay that, are sold for servants which abuse makes the servants in Newfoundland so scarce that they must give 18 or £20 for the fishing season, so that if they han't an extraordinary fishing season and a great price for their fish the masters and boatkeepers lose money and break and this year in St. Johns and most places in Newfoundland the stages and boatrooms was not half imploy'd, and the most substantial fishing masters here have represented it to me that if there be not an expedient found out to intirely prevent the men being carried off by the New England men, the fishing in Newfoundland must of necessity fall in three or four years more which is the reason I give this early trouble before I can send their Lordships the whole account required *etc.* I have taken all the pains in my power to prevent those so much complain'd of abuses this season, and have let but only one sloop bound to New England sail since I have been in this harbour and bound the master in a bond of £5 for every man he should carry out of the land. Notwithstanding he after he departed St. Johns took on board of Cape Spear six men *etc.* Here are 7 more New England vessels which have refused to give the same bond, upon which I would not let them sail till I depart and then take them along with me which will be in two or three dayes but beleive shall have a hard task *etc.* Those masters are very sawcy and insolent, and one of them told me when I told him they would ruin the fishery, he did not care if it was ruin'd *etc.* *Proposes* that the Collectors in New England should take bonds from masters not to bring any men from Newfoundland *etc.* *Continues* :—The land would be much the better if they could be entirely prohibited coming to any port in Newfoundland, for the great plenty of rumm *etc.* makes this place a perfect scene of drunkenness and debauchery, and all the masters of servants in this place would be very glad if rum and brandy was at 5 and 6s. the gallon but the New England men make such a glut that the best rumm is sold for 2s. *etc.* to the great hinderance of fishing and distroying of discipline and more especially in the absense of

1717.

H.M. ships wh. is a long recess of ten months in twelve, without any Government more than he that is strongest is the best man, so that dureing the little time H.M. ships are here, their Commanders time is taken entirely up with complaints committed in the winter *etc.*, and as their Lordships have represented to me (v. 9th May) if I could find any man fitt to govern in the winter to send their Lordships his name it is my humble opinion that there is not now nor ever has been a man since the first settlement, that has resided here fitt to govern farther then it consists for their own interest, but most certain it is, were there a man of honour and integrity appointed to govern and to be on the spott, it would prevent abundance of abuses, and without that I cannot see how the good Government in the fishery and trade of this country can flourish, *etc.* *Signed*, W. Passenger. *Endorsed*, Recd. 28th Oct., Read 7th Nov., 1717. 2 $\frac{3}{4}$ pp. [C.O. 194, 6. No. 37; and 195, 6. pp. 364–369.]

[Oct. 1.] **116.** Sir N. Lawes to the Council of Trade and Plantations. *Recommends* for the Council of Jamaica, John Ascough, formerly a member, who now intends to return; John Gregory, and James Risby, instead of George Bennet formerly suggested. *Continues* :— I am of opinion if a printing press were set up in Jamaica; it would be of great use, and benefit for publick intelligence, advertisements, and many other things. But to prevent abuses, that might attend such a liberty, there should be but one, and that to be licenced by the Govr. for the time being. And I also believe a Post Office to be established in a regular manner for the security and convenience of letters, would be of great advantage to trade and make the correspondencies among the people in the Island quick, easie, and safe, but the undertaker must have some encouragement, at least the profitts for a certain term, because it will require a great expence in the beginning to put it going, but time may bring it to some advantage I hope to the publick Revenue of that Island. *Requests* their Lordships' approbation and instructions *etc.* *Endorsed*, Recd. 1st, Read 10th Oct., 1717. 1 p. [C.O. 137, 12. No. 75; and 138, 15. pp. 338–340.]

[Oct. 2.] **117.** Deposition of Leonard Barton of Port Royal, Mariner. 17th Aug., 1716. Deponent delivered a letter on board H.M.S. *Diamond*, but does not know Dr. Page and never discoursed him or any other person concerning the sloop, formerly called the *Kingsington*, taken by Capt. Fernando *etc.* *Signed*, Leonard Barton. *Endorsed*, Recd. Read 2nd Oct., 1717. 2 pp. [C.O. 137, 12. No. 80.]

[Oct. 2.] **118.** Copy of proceedings in the Court of Admiralty held at Port Royal in Jamaica, March 16—July 11th, 1716. The sloop *Kensington*, taken by Capt. Francis Farnando, was condemned, no person appearing to claim and defend the same, *etc.* *Signed*, John Warner, Judge of ye Admiralty. *Endorsed as preceding.* 3 $\frac{1}{2}$ pp. [C.O. 137, 12. No. 81.]

1717.

- [Oct. 2.] **119.** Copy of the Subscription made by members of the Assembly of Jamaica to be remitted into the hands of Sr. Gil. Heathcote, for the soliciting and transacting of all such matters as shall tend to the welfare of the Island, *etc.* *Endorsed as preceding.* $\frac{3}{4}$ p. [C.O. 137, 12. No. 82.]
- [Oct. 2.] **120.** Copies of letters from Mr. Secretary Stanhope to Governor Lord A. Hamilton. 25th Feb. and 28th Nov., 1715. *Endorsed as preceding.* [C.O. 137, 12. Nos. 83, 84.]
- [Oct. 2.] **121.** Governor Lord A. Hamilton to Mr. Secretary Stanhope, 10th Feb., 1716. *Same endorsement.* *Copy.* [C.O. 137, 12. No. 85.]
- [Oct. 2.] **122.** Plea by T. Barron in support of the escheat patent to Pennant and Swymmer. (v. Oct. 16 *etc.*) *Same endorsement.* 14 pp. [C.O. 137, 12. No. 86.]
- [Oct. 2.] **123.** Copy of H.R.H. Warrant, July 17. 1716, vacating the grant of the escheated estate of Anna Kupius to Pennant and Swymmer, and granting the same to Edward Nichols. *Same endorsement.* [C.O. 137, 12. No. 87.]
- [Oct. 2.] **124.** Copy of H.M. Warrant, 30th April. 1715, granting Anna Kupius' escheated estate to Edward Nicholls. [C.O. 137, 12. No. 88.]
- [Oct. 2.] **125.** Memorandum of preceding papers by Lord A. Hamilton. *Same endorsement.* *Copy.* 1 p. [C.O. 137, 12. No. 89.]
- Oct. 4. **126.** Address from the General Assembly of New York to Governor Hunter. We are utterly strangers to the grievances and oppressions complained of in the Memorial sent us by your Excellency *etc.* There is no tax imposed on the people but by their own consent in General Assembly, which is cheerfully given by a dutifull people towards ye support of his most Sacred Majesties Government over us, and which hath been duly and faithfully apply'd to ye uses intended. and accounted for to ye satisfaction of the General Assembly during the time of your Excellency's administration *etc.* The prosecution of Capt. Mulford was for writing, printing and publishing a scandalous libell against the Government, to prevent the raising any support for it, he had first attempted it by way of speech in the General Assembly and was heard with impunity, but when he ventured to print what he had said, he was expell'd *etc.* Tho' one of the Assembly of this Colony, he is very much a stranger to the affairs and interest of it, and to promote his beloved Connecticut an enemy to it, the being tributaries to barbarous heathens, was a cant very frequent with him while in the house, and used by him to hinder the raising those necessary supplys the Government wanted to use in the Indian affairs, but wee thank God without any other effect than affording the house now and then some

1717.

diversion. 'Tis a little odd in a Memorialist who talks so warmly for liberty and property and represents the province to be miserably distress'd, if not vassal'd, by the raising of £30,000 for a Canada Expedition, £27,000 for the paying of their debts and about £4000 a year to support the Government, to propose an Expedition against the Indians at ye expence of half our personal estates at once for the pious purpose of cutting their throats and possessing their lands *etc.* Wicked and ridiculous as this Memorial is, it may be attended with effects worthy the care of a British Ministry to prevent, and had it been given some years since when the French were our enemies in the manner it now was, to the members of ye house of Commons, it would hardly have failed of bringing an Indian war upon all ye Colonies of English on the Continent. Your Excellency is not ignorant that by vilanous arts the Indians are made to believe that the English on ye Continent have agreed to cut them off and that you are the only Governour that have refused to joyn in that execrable project, that it was with difficulty they were perswaded to disbelieve it (if yet they do so) and if this silly memorial should fall into ye hands of the enemies of the Government, either forreigners or English, what mischievius use might not be made of it, the Indians will be told such a proposal has been made, and to the members of a British Parliament and that 'tis under their consideration. Your Excellency but too well knows the ill impressions the Indians have received and the position they are in to believe such a tale *etc.* We think ourselves bound to declare our abhorrence and detestation of reducing the Indians by force and possessing their lands except they first made war upon us, for to the steadyness of these Indians to the intrest of Great Britain, it is that we owe in a great measure our present security from ye irruptions of the more barbarous, whilst the war with France continued, this Colony was not only covered and defended by these Indians, but when expeditions were undertaken against the french on this side, wee ever found them most ready to assist in them wth. all their force, so that besides the injustice of such a vile attempt as surmis'd in that paper, if it were practicable, such an action must bear the brand of the blackest perfidie and ingratitude, and we hope your Excellency and Council will joyn wth. us in directions and Instructions to the Agent to find out this offender and make application to his Maties. Ministers in order to his being brought to justice. *Signed*, By Order of ye General Assembly, Wm. Nicoll, Speaker. *Endorsed*, Recd. (from Mr. Philips), Read 12th Feb., 171⁷₈. 1 large p. [C.O. 5, 1051. No. 52.]

Oct. 4.
Whitehall.

127. Council of Trade and Plantations to Mr. Secretary Addison. Transmit new seals for the Plantations and draughts of warrants for using same. *Autograph signatures.* 1 p. [C.O. 5, 4. No. 19; and 324, 10. p. 138.]

Oct. 4.
Whitehall.

128. Circular letter from the Council of Trade and Plantations to the Governors of Plantations. As it frequently happens that

1717.

H.M. wants to be informed of the state of the whole, or some particular branches of the Revenue in the Plantations, we are not able to comply with H.M. commands therein, for want of such regular accounts as Governors are required to transmit unto us. Wherefore H.M. has been pleased to direct us to remind all the Governors, of their Instructions in that behalf, and to require them to send us constant and distinct accounts of the several branches of the Revenue in their respective Governments; to which you will likewise be pleased to add an establishment of the constant and regular expence for the support of the Government distinguishing particularly what Revenues are appropriated for that purpose and from what causes it doth proceed that the same falls short of the expences together with a separate acct. of all contingent and extraordinary charges. And it will be absolutely necessary we should be constantly informed of the number of acres granted by H.M. to the several Planters in *every distinct county* of your Government with the rent reserved thereupon. You will also let us know how the publick accounts are audited. [C.O. 324, 10. pp. 139, 140.]

Oct. 4. **129.** Captain Prissick to [Mr. Popple]. Desires to be heard in support of Col. Codrington's claim (*v.* 29th Aug). *Signed*, Christo. Prissick. *Endorsed*, Recd. 4th, Read 10th Oct., 1717. 1 p. [C.O. 152, 12. No. 43; and 153, 13. p. 111.]

Oct. 5. **130.** William Congreve to the Council of Trade and Ashley. Plantations. After a fitt of illness for two month's continuance, I am but just gott into ye country, *etc.*, and am altogether unable to waite upon the Lords Comrs. as they desire, *etc.* You may intimate their Lps. that I have already given satisfaction to both the Principal Secretarys of State in what relates to me concerning Mr. Page. *Signed*, Wm. Congreve. *Endorsed*, Recd. 9th, Read 10th Oct., 1717. 1 p. [C.O. 137, 12. No. 72.]

Oct. 5. **131.** William Cockburn to Mr. Popple. *Encloses following*, Suffolk Street. at the desire of Lord A. Hamilton. *Concludes*:—The list of vessells delivered by Dr. Page (*No.* iv.) being not genuine, the remarks upon it inclosed may be of use *etc.* *Signed*, Will. Cockburn. *Endorsed*, Recd. 7th, Read 12th Oct., 1717. 1 p. *Enclosed*,

131. i. Copy of Commission granted by Governor Lord A. Hamilton to Jonathan Barnet, Commander of the snow *Tyger* to seize pyratial vessells. St. Jago de la Vega. Nov. 24, 1715. *Signed*, A. Hamilton. *Endorsed as preceding*. 1½ pp.

131. ii. Copy of Governor Lord A. Hamilton's Instructions to Capt. Barnet. You are not on any pretence to committ any acts of hostility, on any of H.M. allies, neuters, friends or subjects *etc.* You are to bring into your commission port all such pyrates as you shall take there to be proceeded against according to law, *etc.* *Signed, dated and endorsed as preceding*. 1¾ pp.

1717.

131. iii. Copy of bond in £1500 given by owners of the *Tyger* commissioned against pirates *as above*, to observe above Instructions *etc.* Nov. 24, 1715. *Signed*, Jonathan Barnet, Lewis Galdy, Daniel Axtell. *Same endorsement.* $1\frac{1}{4}$ pp.
131. iv. List of (10) vessels commissioned by Governor Lord A. Hamilton, delivered by Mr. Page, Deputy Secretary of Jamaica, to the Secretary of State. *Note.* The above vessels carried more than 800 men, fitted out in warlike manner, doubly provided with granadoes, bombs *etc.* The *Tyger* and *Mary* sloop "returned innoxious." The *Eagle* and *Barsheba* were the vessels complained of by Capt. Don Juan del Valle for robbing the Spaniards on the Florida shore, of above 120,000 pieces of eight, besides plundering and stripping them, took their arms and powder from them, and gave them to the wild Indians and returned with their booty to Jamaica, and there divided the same. The *Eagle* is sailed out again under the same commission with about 100 men, as is the *Barsheba*, in company with 5 other sloops for the wrecks, well fitted with warlike stores. The *Bennet* sloop Francis Fernando, Commander, brought into Carlisle Bay a sloop he had taken from the Spaniards out of which he took 75,000 pieces of eight, and merchandize, as the master of the Spanish sloop affirmed, to the value with the money to 140,000 pieces of eight belonging to the French late Assientist; the sloop was soon after sent up to Port Royal with a letter from Fernando to the Govr., importing that the sloop sent in, was formerly the *Kingston* commanded by Henry Thornton, and taken by the Spaniards off Cartagena, wh. he desired might be condemned, for untill then he and his company would keep out at the sea with the booty they had taken out of the said sloop, accordingly (as I have been informed) the sloop with her cargo was condemned 7th March, 1715. *Endorsed as preceding.* 1p.
131. v. *Remarks on preceding.* (1) The vessels would have been of no use for suppressing pirates if not fitted out for that service. (2) The *Eagle* and *Barsheba* were not the vessels first complain'd of by Don Juan Delvallée; it was the *Tyger* snow, whose owners being Mr. Page's particular friends, he putts down "return'd innoxious," tho' that vessell was the first that committed hostilities and which occasion'd the journey of Don Juan to Jamaica, the securities and owners of the said vessell as well as of the *Mary* sloop were Lewis Galdy and Daniel Axtell, two Assembly men. It is not deny'd that the *Eagle* and *Barsheba* committed hostilities on the Spaniards at the wrecks but not to the fourth part of the value, nor in the manner describ'd by Doctor Page, of which Don Juan had the first notice after he had been some time in Jamaica which occasion'd his

1717.

second Memoriall that his Lordship laid before the Councill and they came to resolutions on it (*Minutes of Council*, 9th Feb. 17 $\frac{15}{16}$) and on 26th Aprill following two Proclamations issued, one for recalling the commission'd vessells, the other prohibiting fishing on the wrecks. (iii) The occasion of the *Eagle's* going out a second time was at the request of severall merchants particularly Henry Sharpe who had but a few days before the *Eagle* went out been taken with a considerable cargoe by a pirate, in sight of Jamaica. The *Eagle* was ordered in pursuit of the pyrate and she retook Mr. Sharpe's vessell and run the pyrate ashoar on the south side of Cuba, return'd to Jamaica in 14 days, and never went out afterwards with the said Commission, so that it is humbly conceived this was a peice of service done to the Island. (iv) The *Barsheba* got privately away from the Island contrary to the express commands of Lord A. Hamilton. (*Minutes of Council*, 16th Aug., 1716.) (v) The sloop which Dr. Page mentions to have been taken and sent into Port Royall Harbour by Capt. Farnando was actually a vessell which belong'd to Mr. Knight a merchant at Kingston, and had been taken some time before with a cargo, value £12,000 by a Spaniard and carry'd unto Porto Bell, where she had never been condemn'd, so that Farnando meeting her at sea without a register sent her to Jamaica, and perhaps had been in the right had he not first taken out all the money and the most valuable goods into his own vessel. which however did not amount to one half of the same Dr. Page mentions. Mr Bendish one of the owners of Fernando and who was the active man in solliciting the condemnation together with the captors obtain'd in the Court of Admiralty of Jamaica, a sentence against the vessel and her cargo which Dr. Page swears in his affidavit Leonard Barton told him was given on 7th March, 17 $\frac{15}{16}$, whereas Barton swears he never spoke to Dr. Page about it, nor indeed is it probable, for the vessel was not condemn'd till the 16th of March, and then Dr Page had been 9 days at sea *etc.* His Lordship in publick Council declared his disapprobation of the said condemnation and appointed a Court of Delicates to have reversed it in order to do justice to the Spaniards, but the day before the said Court was to have mett, his Lordship was superceded by Mr. Haywood, who has done nothing in that affair since. *N.B.* The *Diligence* galley one of those commission'd by his Lordship had a patent from the King to fish upon wrecks, *etc.* *Same endorsement.* 2 pp. [C.O. 137, 12. Nos. 78, 78 i.-v.; and (without enclosures) 138, 15. pp. 465-467.]

1717.

Instructions to the Governors of the several Plantations in America, relating to their passing Acts which may any ways affect the Trade or Shipping of this Kingdom; I herewith transmit the same to your Lops. that they may be forwarded to the said respective Governors by the first convenient opportunity. *Signed*, J. Addison. *Endorsed*, Recd. 7th, Read 10th Oct., 1717. $\frac{3}{4}$ p. [C.O. 323, 7. No. 108; and 324, 10. pp. 140, 141.]

Oct. [? by error for Nov.] 6. **133.** Mr. Popple to Horatio Walpole. The Council of Trade and Plantations having seen a copy of your Patent for the office of Surveyor and Auditor General of H.M. Revenue in America, desire you will let them have as soon as conveniently may be an acct. of the revenues in each Govt. for 3 years last past, and that the annual accts. of the said revenues may be regularly transmitted for the future. [C.O. 324, 10. p. 145.]
Whitehall.

Oct. 7. **134.** Governor Hamilton to the Council of Trade and Plantations. *Begins with duplicate of 26th Aug. Continues*:—
Nevis. I am honoured with your Lordships two letters of the 16th May last, and observe the contents. I should have visited the Virgine Island's long since, as I advised your Lordship's, but have all along been prevented by the frequent reports of the pirates resorting there, and the smallness of the man of warr that attends this station, but am now assured that they are all gon to north america, or to some other parts, so that as soone as the man-of-warr is carreened, which the Capt. was to begin as soone as he might with safety in relation of the bad weather, I shall go downe, and hope then to be able to give your Lordships full satisfaction in relation to those Island's. I observe about the complaints made to H.M., of an illegall trade being carried on between H.M. Plantation's, and the French settlements. I shall to the utmost of my power, take care that the same be suppres'd, and shall give directions throughout all the Island's, that particularly the 5 and 6 articles of the Treaty of peace and neutrality in America *etc.* 1686 be strictly observed, but it is almost impossible for the officers to prevent them from carrying on in some measure an underhand trade, for the many bay's we have about the Island's, except wee had (as the French have) some small sloopes that might go constantly manned for that purpose, and be Garde de Coaste, the Collector of St. Christophers lately made a seizure of a small French ship for having traded on that coast, which was condemned in a Court of Admiralty, but was afterwards lost, and stoave all to pieces in the great storme, and litle or nothing saved as he informes me, *etc.* Some time since (upon severall complaints being made to me) I was obliged to dismiss one Mr. Clement Crooke from being Chiefe Justice of St. Christophers, for having been guilty of severall ill practices and corruptions, as your Lordships will perceive by the severall affidavids herewith sent, besides that the said Crooke is a very profligate, and a man of no learning, besides one that is very much in debt. I have in his stead appoynted one Mr. Mathew Mill's, a person thoroughly well affected to his present Majesty, and the Protestant Succession

1717.

in his illustrious House, a man of clear estate, a universall good character, and well qualified for the post, whom I hope your Lordship's will approve of, for I assure your Lordships, I have no other aime than H.M. interest, and the good of the Island's his Majesty has intrusted me with, *etc.* *Signed*, W. Hamilton. *Endorsed*, Recd. 14th Jan., Read 7th Feb., 1717. 3 pp. *Enclosed*,

134. i. Deposition of Martin Nicholls, St. Christophers, 25th Sept. 1717. Col. Clement Croke as Treasurer refused to pay £90 due to deponent as gunner to Charles Fort about 5 years ago, unless he would take about the third part and give the Treasurer a rect. on the back of his acct. pass'd by the Committee, wh. deponent was oblidg'd to accept off. Deponent then took up some refug'd negroes from Mr. Ottley upon the sd. Treasurer's promise to pay for them, wh. as yet is not effected *etc.* *Signed*, Martin Nicholls. 1 p.

134. ii. Duplicate of No. 40 i.

134. iii. Deposition of Thomas Butler, St. Christophers, 24th Sept., 1717. In 1712 Clement Croke one of the Justices Assistant in the Court of Queen's Bench, retained deponent to be of council with James Williams against Ann Sanders *alias* England, and directed him to bring an action in the said Court in the name of said Williams *v.* said Sanders for the recovery of severall negro slaves. He gave deponent three pistoles as a fee, and deponent afterwards heard that Judge Croke bore all the charges of the action *etc.* *Signed*, Thomas Butler. 1 p.

134. iv. Deposition of James Gordon, St. Christophers, 26th Sept., 1717. Deponent last Feb. bought for the use of Joseph Crisp 5000 staves for sugar cask, and lodged them in a storehouse in Basseterre belonging to Crisp. Clement Croke, Chief Justice, threw away these and other goods there stored, and beat Crisp's negro. Croke said he had a grant for the storehouse from Lt. General Matthew and threatened to throw all Crisp's goods, his attorney Matthew Mills and deponent into the sea. He said that he would value no order from the General for Crisp to keep quiet possession till ejected by law, and that the General had sent such an order for John Considem to keep possession of his house and land to the Court of King's Bench (for which Croke said he had also a grant) of which the Court took no notice, *etc.* *Signed*, James Gordon. 2 pp.

134. v. Deposition of James Williams, Basseterre, St. Christophers, 19th Sept., 1717. *Corroborates No. iii.* Deponent accepted Judge Croke's offer to be at the charge of sueing for the negroes, upon deponent's giving him a bond to pay Croke £50 if he should recover them. Croke sat upon the Bench at the tryal, but a verdict was found agt. him, *etc.* *Signed*, James Williams, *his mark*. 1 p.

1717.

134. vi. Deposition of Orlando Billingsley, Nevis, 28th Aug., 1717. On 22nd Aug. Clement Crooke delivered to Governor Hamilton the answers of several persons to certain interrogatories relating to the said Captain General and Martha Assaillié ; the General upon reading the answer of Crooke asked him several questions relating to the particular paragraphs. Crooke having suggested in his answer that he having delivered a certain order, H.E. told him he had not then time to read it, the General asked what reasons he assigned ; Crooke answered that H.E. was just then taking horse. It being incerted in said answer that H.E. had told Crooke he was informed said Assaillié was a Roman Catholick and an inhabitant of Guardaloupe, and that H.E. said he knew she was bred a Protestant, H.E. said he never did say anything like her being bred a Protestant but said that her being suspected to be a Papist and her being then among the French at Guardaloupe were the reasons why H.E. would not pass her a patent for her late father's plantation *etc.* Crooke owned that those were H.E.'s reasons ; that Assaillié was then among the French at Guardaloupe ; that he told H.E. he had bought Mrs. Assaillié's right to the plantation *etc.* ; and that H.E. said H.M. Ministers (not His Majesty) had been imposed upon *etc.* H.E. told Mr. Crooke his answer was made up of most scandalous and notorious falsities and that the most material things were left out, the more to aggravate and increase the matter, and that Crooke was guilty of very great and malicious perjuries, upon which Crooke said that when H.E. should come to St. Christophers he would alter any such part thereof or immediately interline any such other things as H.E. would please to direct. *Signed, O. Billingsley. 2 pp.*
134. vii. Deposition of Thomas McGill, Nevis, 28th Aug., 1717. *Corroborates preceding. Signed, Tho. Makgill. 1 p.*
134. viii. Deposition of John Pinney, Nevis, 19th Sept., 1717. On 22nd Aug. Clement Crooke, Agent for Mrs. Martha Assaillie, refused to pay the fee for the affixing of the Seal to duplicates of depositions taken in St. Christophers in her cause, according to H.M. order in Council. Deponent thereupon left them with the Governor and informed Crooke they were ready for him whenever he pleased to goe for them, but that the General would hardly part with them without his fee for the Seal. Crooke replied God damn me I'll trouble myself no farther about them, and went to St. Christophers *etc.* *Signed, John Pinney. 1 p.*
134. ix. Deposition of Timothy Tyrrell, Nevis, 28th Aug., 1717. *Corroborates No. vi. The whole endorsed, Recd. 14th Jan., Read 7th Feb., 1718. 1 p. [C.O. 152, 12.*

1717.

Nos. 62, 62 i.-ix.; and (without enclosures) 153, 13. pp. 214-216; and (covering letter only) 152, 12. No. 67.]

Oct. 8.
Hampton
Court.

135. H.M. Warrants to Governors of Plantations (Leeward Islands, Barbados, Jamaica, New Hampshire, the Massachusetts Bay, New Jersey, Virginia, Bermuda and New York) for using the new Seal. *Countersigned*, J. Addison. *That for New Jersey is printed*, N. J. Archives, 1st Ser. iv. 332. [C.O. 324, 33. pp. 104-107; and (draught) 153, 13. pp. 109, 110; and 29, 13. pp. 403-405; and 138, 15. pp. 330-332; and 5, 915. pp. 49-52; and 5, 995. pp. 338, 339; and 5, 1365. pp. 1, 2; and 38, 7. pp. 333, 334; and 5, 1123. pp. 453, 454.]

Oct. 8.
Hampton
Court.

136. H.M. Warrant granting Lt. Governor Thomas Tolmach leave of absence for a year for the recovery of his health. *Countersigned*, J. Addison. [C.O. 324, 33. p. 103.]

Oct. 8.
Hampton
Court.

137. Order of King in Council. Approving Representations of 11th and 14th Oct., 1717, restoring Samuel Barwick to the Council of Barbados, and granting him one year's further leave of absence, etc. *Signed*, Edward Southwell. *Endorsed*, Recd. 30th, Read 31st Jan., 17¹⁷₁₈. 1³₄ pp. [C.O. 28, 15. No. 30; and 29, 13. pp. 450-452.]

Oct. 8.
Hampton
Court.

138. H.M. Warrants for above. *Countersigned*, J. Addison. [C.O. 324, 33. pp. 112-114.]

[Oct. 10.]

139. Reasons for removing Samual Page, Deputy Secretary of Jamaica. *v. following. Anonymous. Endorsed*, Recd. 10th, Read 11th Oct., 1717. 1¹₂ pp. [C.O. 137, 12. No. 77.]

[Oct. 10.]

140. Anonymous Memorial, giving reasons for restoring to the Council of Jamaica those who were put out upon the removal of Lord Archibald Hamilton. They have always endeavoured to support H.M. Government, follow H.M. Instructions and promote the welfare of the Island; those who displaced them have always opposed H.M. Government, and have given up the Council's right to amend money bills. Their enquiry into the charges against Lord A. Hamilton was partial, and sent him home without any proof or witness, etc. *Endorsed*, Recd. Read 10th Oct., 1717. 2¹₂ pp. [C.O. 137, 12. No. 74; and 138, 15. pp. 333-338.]

Oct. 11.
Jamaica.

141. Peter Heywood, C. in C. of Jamaica, to the Council of Trade and Plantations. *Refers* to letter of 13th Aug. Capt. Reynolds took under his convoy thro' the Windward passage such mercht. ships as were ready etc. He now lyes ready with another fleet and advises he will be gone the 15th instant. Since wch. (Aug. 13th) I have not had any account of the pyrates, no vessells coming to this Island having met with them. I send herewith the Acts passed this Session with the Journals of the Councill and Assembly wch. I prorogu'd to the 6th Nov. next.

1717.

I thank God I can write your Ldships. that H.M. Island was never in greater peace and tranquillity then at this time, *etc.*
Signed, Peter Heywood. *Endorsed*, Reed. 23rd Dec., 1717,
 Read 2nd Jan., 1718. 1 p. [C.O. 137, 12. No. 106; and 138,
 16. pp. 46, 47.]

Oct. 11.
 Whitehall.

142. Circular letter from the Council of Trade and Plantations to the Governors of Plantations. H.M. having signed an additional Instruction to you relating to the not passing Acts which may affect the Trade and Shipping of this Kingdom, as also a warrant for your using a new seal *etc.*, we herewith transmit them *etc.* *The letter to Governor Hunter is printed*, Journal of Legislative Council of New York, I. 428. [C.O. 324, 10. p. 141; and 138, 15. p. 464.]

Oct. 11.
 Whitehall.

143. Council of Trade and Plantations to the King. Recommend for H. M. confirmation Act of Barbados *to dock the intail of certain lands etc.* (v. Sept. 4). [C.O. 29, 13. pp. 405, 406.]

Oct. 11.
 Whitehall.

144. Council of Trade and Plantations to Mr. Secretary Addison. We enclose the draught of Instructions for Sr. Nich. Lawes in the usual form, except some few alterations, as follows:—
 (i.) Whereas by the 10th Instruction, the Governor is restrain'd from suspending any of the Council, without the consent of the majority, wch. in some cases may prove of ill consequence, we have added at the end of that Article the words beginning, *Nevertheless if it shou'd happen that you shou'd have reasons for suspending of any Counsellor, not fit to be communicated to the Council, you may in that case suspend such persons without their consent; But you are thereupon immediately to send to us by one of Our Principal Secretaries of State and to Our Commissioners for Trade and Plantations an account thereof, with your reasons for such suspension, as also for not communicating the same to the Council, and duplicates thereof by the next conveyance.* (ii.) In the 16th Article forbidding the Governor to pass bills of an extraordinary and unusual nature *etc.* we have added the words, *Or that may anyways affect the trade or shipping of this Kingdom*, pursuant to H.M. directions on that behalf. We have also added, *that he do not pass any Bill, that shall repeal an Act or Acts that have had the Royal Assent without first having had leave from H.M., unless there be a clause in the sd. Bill, suspending the execution thereof, till H.M. pleasure be known.* (iii.) We have made some small alterations in the 29th and 30th Articles, only to inforce them, and to prevent their being liable to be in any manner misunderstood. (iv.) As it has been a great prejudice to the settling of the Plantations, that large tracts of land have been granted to particular persons, who are not able to cultivate and improve the same; and we observing, that the 35th Article wch. was in former Instructions on that subject did not fully answer the end it was design'd for; we have substituted another Article in its place, which we hope, if duly observ'd, will be more effectual.

1717.

(v.) The Governor having objected to the 41st Art. ; wch. was in former Instructions and requir'd him to send over a map with the exact description of the whole Island, that he cannot comply with this direction, unless he has a power to appoint a Surveyor General with suitable encouragement, we humbly offer to H.M. consideration, as what might be of great benefit to H.M. service, that proper persons may be appointed to take surveys and make exact maps, not only of Jamaica, but of the other Islds. and Plantations in America. (vi.) By the 44th Article, the Govr. is requir'd upon the suspension of any Patent Officer or his Deputy, to take care, that the person appointed to execute the place, during such suspension, do give sufficient security to the person suspended to be answerable to him for the profits accruing during his suspension, in case he be restor'd, but as this might in some cases prove a very great hardship to the person appointed to officiate, during the suspension, we have added the following words, *It is nevertheless Our pleasure that the person executing the place, during such suspension shall for his encouragemt. receive the same profits as the person suspended, if a Deputy, did, or a moiety of the profits in case of the suspension of the patentee.* (vii.) We have omitted the 49th Article relating to a Court of Exchequer, the 53rd relating to a Court for determining small causes, the 75th relating to the Ministers being of their respective Vestrys, the 95th relating to inhumanity to servants, Indians or slaves, and the 96th Article abt. Work Houses, (wch. articles used to be in former Instructions) because the several matters recommended by them are now provided for by the Laws of the Island. (viii.) Whereas in the 61st Article of former Instructions, it used to be said, that with other powers of Vice-Admiralty, the Govr. was to receive from the Commissioners for executing the Office of High Admirall of Great Britain, authority to suspend any Captain or Commander of any ship of war for refusing or neglecting to obey such written orders as shou'd be given him by the said Governor for H.M. service etc. But the Lords of the Admiralty having not thought fit to add to the Commission of Vice-Admiral, wch. they have given Sr. Nicholas Lawes, any such power, we have alter'd the clause in the manner you will observe by the 59th Article of the present Instructions ; However as it may be of great consequence to the service of the Plantations, that such ships of war as shall be sent to protect the said Plantations and the Trade thereof respectively shou'd be during their stay there, under the directions of the Governor, more particularly, with relation to convoys and sailing orders, we are humbly of opinion that it will be for the publick service, that all the Governors in the Plantations shou'd be empower'd and autoriz'd accordingly. (ix.) In the 73rd Article, after these words, *You are not to prefer any Minister to any Ecclesiastical Benefice in that Island without a certificate from the Rt. Rev. Father in God, the Lord Bishop of London,* we have added, *or some other Bishop,* as believing the certificates of one Bishop in such a case, relative only to the life and conversation of the person, equal to that of any other Prelate, because it has been represented to us, that it

1717.

would be expensive and inconvenient to clergymen to be oblig'd to travell to London, purely to obtain a certificate, when a more convenient place of embarkation might offer for them at some other part. (x.) After the words *said Lord Bishop of London* in the 76th Article, we thought it necessary to add the following words, *but when such persons so qualify'd as above shall be wanting for the promotion of learning and good education, you may yourself license such other persons as you shall think qualify'd for such employment.* (xi.) At the end of the 90th Article, wch. seems calculated to discourage vexatious appeals to your Majesty's Council in England, we have added the following words. *In any case where a judgement first given by an Inferiour Court in that our Island shall have been confirm'd by the Governor and Council there,* as being desirous to follow the original design of the Instruction, so far forth as the same may be agreeable to the practice in the Courts of Judicature in England, where every appeal to a Superior Court stops the execution from the Inferior, reserving out of that general rule such cases only as carry in the very face of them an appearance of being vexatious. (xii.) We have omitted the 100th Article wch. was *You are to acquaint our Council and Assembly that we think fit when any complaint shall be intended against you, notice shall be immediately given you thereof by the complainants with the charge against you in writing to the end you may make preparation for your defence,* Because we find that one of the Articles of Impeachment against the Ld. Strafford in the reign of King Charles the 1st. was for his having obtain'd an order to this effect; and because we take it for granted that whenever any complaint is offer'd here against a Governor, nothing will be determin'd about it. nor any impression be taken to his prejudice, before he has had a copy of that complaint and sufficient time and opportunity to make his justification. (xii.) We have added the Articles 95-101, pursuant to H.M. Commands April 12th. In relation to the Council, we take leave to observe, that having had before us several lists of persons recommended to us to be Councillors by the former and present Governors, as well as by several other persons of consideration, we have inserted the names of Fran. Rose, Tho. Bernard, James Archbould, John Ayscough, John Sadler and Ezekiel Gomersal, some of them being of the present and others having been of the former Council and have always behav'd themselves with zeal for the service of the Crown and the publick. We have omitted of Cha. Chaplin, Jno. Blair, Jas. Risby, Tho. Beckford, and George Bennet, the two first having been formerly remov'd by a Representation of this Board at the King's happy accession to the Crown, and having jointly with others since they were restor'd, given their assent to sevl. bills, in wch. we conceive they have not had a due regard, either to the King's Instructions or the support of H.M. just Prerogative. And we have added the names of John Moore, Edward Pennant, Tho. Harrison, Saml. Moore, John Gregory and Jno. Morant who have been represented to us as Gentm. of good estates, well affected to H.M. Government and every way qualify'd to serve H.M. in that station. And having communicated

1717.

these names to Sr. Nich. Lawes, he has given us the same characters of them. As for Peter Heywood Esq. the present Commander in Chief, we think him lyable to the same objections as the other Gentm. whose name we have omitted, besides, we have been inform'd that he wou'd not care to act as Councillor after he has had the chief command there. We further send you the draught of Instructions relating to the Acts of Trade and Navigation wch. are in the usual form. *Annexed,*

144. i. H.M. Instructions for Sir N. Lawes, Governor of Jamaica. St. James's. Jan. 1st, 17¹⁷₁₈. *In the usual form, except that Articles 49, 53, 75, 95, 96, and 100 of former Instructions are omitted (v. supra), and alterations are made, as indicated in covering letter, in Articles 10, 16, 29, 30, 35, 44, 59, 73, 90, 95-101.*

Articles 29, 30, 35, 59, 95-101 now run :—(29) It is Our express will and pleasure that no Law for raising any imposition on wines or other strong liquors be made to continue for less than one whole year, and that all other laws made for the supply and support of the Government shall be indefinite, and without limitation, except the same be for a temporary service, and wch. shall expire and have their full effect within the time therein prefix'd. (30) And whereas several other laws have formerly been enacted for so short a time that our assent or refusal thereof cou'd not be had thereupon, before the time for wch. such Laws were enacted, did expire, You shall not for the future give your assent to any law that shall be enacted for a less time than two years ; and you shall not re-enact any law, to which our assent has once been refus'd, without express leave for that purpose first obtain'd from us, upon a full representation by you to be made of the reason, and necessity for passing such law. (35) And whereas it hath been in all times a very great hindrance to the peopling and settling of our said Island, that large tracts of land have been engross'd by particular persons, a great part whereof still remain uncultivated, whereby the Island is depriv'd of many inhabitants, that wou'd other ways have settled there, and have greatly contributed to the security, wealth and defence thereof. Now having taken the said inconvenience into our Princely consideration, and being especially minded to provide against so great an evil for the future, We do hereby in a very particular manner recommend to you to use your best endeavours to get a law pass'd in the most effectual terms for obliging all persons already possess'd of any lands in our said Island to plant and cultivate the same within the space of three years or to dispose of the same to such persons as will undertake to do it, and in default thereof, that such lands may revert to us to be regranted as We shall see cause ; and it is Our express will and pleasure, that no grant of lands

1717.

shall be made by you on our behalf to any person whatever already possess'd of 1000 acres or more, within our said Island, and that no person whatever shall for the future be capable of holding by any grants hereafter to be made on our behalf more than 1000 acres as aforesd. And that all future grants shall be expressly upon condition, that the land granted shall be cultivated within three years or else revert to us, Our Heirs and Successors. (59) And whereas you will receive from Our Commissioners for executing the Office of High Admiral *etc.* a Commission of Vice-Admiral of our said Island of Jamaica, you are hereby requir'd and directed carefully to put in execution the sevl. powers thereby granted you. (95) Whereas We have been inform'd that some Assemblys have of late assum'd to themselves the power of adjourning at pleasure without leave from Our Governors first obtain'd as usual by request, wch. is highly detrimental to Our Royal Prerogative and may prove of prejudice to the publick service, It is our will and pleasure, that you signify to the General Assembly of Jamaica; and that you accordingly insist upon it, that they have no right to adjourn themselves otherways than *de die in diem*, excepting Sundays and holidays, without leave from you Our Governor or from Our Governor or Commander in Chief of the said Island for the time being first ask'd and obtain'd. (96) Whereas by these Our Instructions to you for the better Govt. of the said Island, you are required to take care, that in all Acts or Orders to be pass'd within that Our Island in any case for levying money or imposing fines and penaltys, express mention be made, that the same is granted or reserv'd to Us, Our Heirs and Successors for the publick uses of that our Island, and the support of the Government thereof, as by the said Act or Order shall be directed. And whereas the General Assemblys of Our Island of Jamaica have of late assum'd to themselves the sole right of framing money bills, refusing to let the Council alter or amend the same; You are to take notice that Our Council as such are a more ancient part of, and have still at least an equal share in the Legislature with the Assembly, who have no right to meet or debate upon any matters whatsoever, but by virtue of a clause in Our Commission under the Great Seal of this Kingdom, without which they cou'd not be elected nor sit as an Assembly, That Our said Council have frequently alter'd money bills in former times without opposition from the Assembly; And We are so far from looking upon this pretended right to be inherent in the said Assembly, that we esteem the same to be a violation of the accustom'd usage and constitution of Jamaica; Wherefore you are hereby requir'd to support Our Council in their just right in this particular.

1717.

(97) And whereas the General Assemblys have within these few years taken upon them to nominate Commissioners for the receipt of the publick monys, wch. may be attended with many other inconveniencys and dangerous consequences, besides the prejudice done to the person, whom We have appointed or shall hereafter appoint to be Our Receiver General of Jamaica, under the Great Seal of this Kingdom, You are not to give your consent for the future to any law for the raising of mony or the value of mony, whereby it is not expressly declar'd that such mony shall be put into the hands of and receiv'd by Our Receiver General aforesaid; provided that nothing herein contain'd shall be construed to hinder the Assembly from appropriating any mony given by them on extraordinary occasions in such manner as may not be contrary to the intent of this or any other Instruction, herewith given to you. (98) Whereas we have judg'd it necessary for Our service, and for the defence and security of Our said Island of Jamaica, that the two independent Companies now remaining there, shou'd continue on foot, untill the Island be better peopled with white men; you are to recommend to the Assembly in the strongest terms to make provision for subsisting the said two Companies, assuring ye Assembly at the same time in Our name that the said two Companies shall be sent for from thence as soon as it shall appear to Us, that there are white people enough establish'd there to defend that Island against the attempts of any enemies from without, and of the negro slaves from within. (99) And whereas the Lord Archd. Hamilton, late Govr. of that Island and the then Council did disburse several considerable sums for the subsistence of the said two Companies at a time when the Assembly had declin'd providing for them. And whereas it is but just and reasonable, that monys advanc'd upon exigencys for the publick services shou'd be punctually discharg'd. It is Our will and pleasure, that you move the Assembly also in Our name in the most pressing manner that they take care to provide such supplies as may be necessary for the discharging not only of that and the other debts of the Government unprovided for, but also that they take care to settle such a Revenue as may be thought sufficient for the support and honour of the Government for the future. (100) And whereas the Members of several of the Assemblys in the Plantations have frequently assum'd to themselves the privilege of being protected from suits at law, during the term they remain of the Assembly to the great prejudice of their creditors and the obstruction of Justice, and whereas it has been declar'd by her late Majesty in Council the 31st May, 1713, upon a full examination of the matter, that there is no ground for

1717.

the claiming such pretended privilege, nor have you Our Governor any authority by Our Commission to you to allow the same ; It is therefore Our will and pleasure that no such pretended privilege be allow'd to any Member of the Assembly or of Our Council (otherways than in their persons) which you are to signify to them, that all officers and other persons whom it may concern may take notice hereof and pay due obedience hereunto. (101) And whereas upon the expiration of an Act pass'd in Our Island of Jamaica in 1693 *for raising mony to sollicit in England the affairs of this their Majestys' Island*, the Assembly did pass a bill for ye same purpose, wherein Our Council were entirely excluded from any share in the management thereof ; We do hereby empower you to give your consent to a new law for raising mony to sollicit the affairs of Our said Island in England, provided that such levy do not exceed £300 ster. yearly, and that two of Our Council in conjunction with five of the Assembly, to be nam'd by their respective Bodies be thereby authoriz'd to exercise the several powers given them by the former Act passed in 1693.

144. ii. H.M. Instructions to Sir N. Lawes relating to Trade and Navigation. [*C.O.* 138, 15. *pp.* 344-457.]

Oct. 11. **145.** Richd. Bankes to the Council of Trade and Plantations. Repeats proposal to purchase the late French lands in St. Christophers *etc.* *Signed*, Richd. Bankes. *Endorsed*, Recd. Read 11th Oct., 1717. 1 *p.* [*C.O.* 152, 12. *No.* 44.]

Oct. 11. **146.** Micajah Perry, John Perry and Samuel Travers to the Council of Trade and Plantations. Undertake to purchase the late French lands in St. Christophers upon the terms proposed by John Mills (*v.* Sept. 19), lately deceased. *Signed*, Micajah Perry, John Perry, Saml. Travers. *Endorsed*, Recd. Read 11th Oct., 1717. 1 *p.* [*C.O.* 152, 12. *No.* 45.]

Oct. 14. **147.** Mr. Popple to Wm. Lowndes. Applies for orders to Whitehall. H.M. Printer to supply the Board of Trade with copies of several Acts necessary to be given to Governors of Plantations with their Instructions. [*C.O.* 324, 10. *pp.* 142-144.]

Oct. 14. **148.** Council of Trade and Plantations to the King. An Act Whitehall. having been pass'd in your Majesty's Island of Barbados in July 1716, entituled an Act *laying an imposition, or duty on all sugars, molossies, rum, cotton and ginger imported this Island, which are not the natural product, growth and manufacture of some of H.M. Colonies*, we have considered the reasons the Agents have suggested to us for passing the said Act (*v.* Sept. 25), which are to prevent commerce carryed on by a few private persons who have fallen into the Dutch and French sugar trade, and very much assisted and improved the French and Dutch Colonies by sending

1717.

them horses, asses and negroes to the great detriment of the inhabitants of Barbado's, who, with respect to the labour and expence in cultivating their land are under greater disadvantages than the Dutch or French in those parts; and to correct an abuse that has been practised of late years in importing of foreign sugars into Barbado's, and reexporting the same afterwards to this Kingdom under the notion of sugars of the growth of the said Island, whereby the payment of the double duty on foreign sugars has been evaded and the price of the sugars of your Majesty's own Plantations lessened, whereupon we are humbly of opinion that the said Act may be fit to receive your Majesty's Royal approbation. [*C.O.* 29, 13. pp. 407-409.]

Oct. 14.
Hampton
Court.

149. Mr. Secretary Addison to the Council of Trade and Plantations. Refers following for their report. *Signed*, J. Addison. *Endorsed*, Reed. 22nd Oct., Read 6th Nov., 1717. *Enclosed*,

149. i. Petition of Anne Low, Widow, to the King. Prays for a patent for the sole privilege of making sturgeon in America. Petitioner's husband was murdered by the Indians. Her father who devotes himself to the fishing trade in the Plantations and at Hamburgh etc., has acquired the art of curing sturgeon, and brought it to a much greater perfection than had been formerly done by H.M. subjects. He now requires her to go over and help him, etc. *Signed*, Anne Low. *The whole* 1 p. [*C.O.* 5, 866. Nos. 124, 124 i.; and 5, 915. pp. 52-55.]

Oct. 15.
Whitehall.

150. Mr. Popple to Messrs. Mayne and Tilden. Sends a box containing the new Seal and papers to be forwarded to the Governors of Barbados and Bermuda. Similar letter to Mr. R. Tryon for the Leeward Islands and to Micajah Perry for Virginia. [*C.O.* 29, 13. p. 409.]

Oct. 15.
Whitehall.

151. Receipt for the new Seal of Jamaica. *Signed*, Nicholas Lawes. $\frac{1}{4}$ p. [*C.O.* 137, 12. No. 79; and 138, 15. p. 467.]

Oct. 16.
Whitehall.

152. Council of Trade and Plantations to Mr. Secretary Addison. Report upon petition of Edward Pennant and Anthony Swymmer (v. Sept. 19th). We conceive the grant of the escheated estate of Anna Kupius to petitioners is, and ought to stand good etc. *Set out*, A.P.C. II. pp. 732-734 q.v. [*C.O.* 138, 15. pp. 467-474.]

[Oct. 16.]

153. W. Byrd to the Council of Trade and Plantations. Argues in support of the Council of Virginia as to the joining other persons with them in Commissions of Oyer and Terminer, etc. (v. May 4th.) *Signed*, W. Byrd. *Endorsed*, Reed. 10th Oct., Read 13th Nov., 1717. $3\frac{1}{4}$ pp. [*C.O.* 5, 1318. No. 30.]

[Oct. 16.]

154. H.M. Warrant granting to Horatio Walpole the reversion of place of Surveyor and Auditor General of H.M. Revenues in

1717.

America, *etc.* Copy. (cf. C.S.P. 1715. No. 640). [C.O. 324, 49. ff. 7-13.]

Oct. 16.
Whitehall.

155. Mr. Popple to Sir Edward Northey. Encloses, for his opinion in point of law, Acts of Antigua. (i.) *to prevent the increase of Papists and Nonjurors*, 1716. (ii.) *for erecting a Church in St. John's*, 1716, and (iii.) *to quiet present possessors of lands, to limit actions and avoid suits in Law*, 1717. [C.O. 153, 13. pp. 120, 121.]

Oct. 16.
Whitehall.

156. Council of Trade and Plantations to the Lords Commissrs. of the Treasury. Having received several proposals for purchasing the lands in the late French part of St. Christophers, pursuant to the advertisement published by your order in the Gazette of the 3rd of August past, we herewith transmit the same to your Lordps. with our observations thereon, as desired by Mr. Lowndes, 17th July. Your Lordps. will find that the prices and conditions offered by the several proposers are very different, and that the highest bidders do not exceed the sum of £6 pr. acre; excepting only Col. Codrington, who has offered £8 pr. acre for some particular plantations. But as we are wholly ignorant of the number of acres contained in the lands now to be disposed of for the benefit of the publick, as not having any survey of the same, and as little apprized of the real value thereof, by reason that most of the informations we have been able to acquire relating thereto, have been chiefly from the present possessors, their agents or other persons interested therein; we can by no means take upon us to determine what may be thought a valuable consideration for the same, or any part thereof. But as we presume your Lordps. design upon the sale of these lands, to dispose of them in such manner as will effectually conduce to the benefit and advantage of the publick, which in our opinion cannot be done but under certain conditions and restrictions, necessary to obtain that end, we beg leave to observe to your Lordships, that almost all the lands now to be sold, are already possessed by several planters, by virtue of intermediate grants from the different Governors of the Leeward Islands, for a limited time, and subject to the King's further pleasure, pursuant to an Order from the Treasury, Sept. 25, 1702, whence it happens that most of the proposals enclosed are in behalf of the said planters; wherein they have fixed the quantity of acres contained in their respective plantations at pleasure, and offered such prices and terms, as were suitable to their several inclinations. There may perhaps be some objection to the disposing of all the land now to be sold to one purchaser only; But if this could be done so as to produce a sum equal to your Lorps.' expectations and under such conditions as are here enclosed, in all probability much trouble might be saved thereby, the King's most gracious intention would soonest have its effect, and the publick be in a shorter time possessed of the money arising from the sale. Amongst the several proposers, there are only three persons, that have offered to purchase the whole, vizt. Mr. Banks, Sir Thomas Johnston, and

1717.

Mr. Mills. The first of these has offered £6 pr. acre, subject to certain conditions, which are in part what we shall likewise propose for the better settling of the Island. The second has offered £61,000 in gross, provided the lands hold out to the same number of acres mentioned in a former report of this Board, laid before the House of Commons, which at the best would prove a very uncertain bargain. Besides that he ties himself down to no conditions or restrictions. But the person who seems to have put his proposal upon the fairest and most equal foot, with respect to the interest of the Crown and of the Planters, is Mr. Mills; and tho' we shall not pretend to decide whether the price by him offered be equal to the value of the lands (for the reasons already mentioned) yet we cannot help being of opinion, that most of the conditions proposed by the said Mr. Mills are apparently beneficial, and in a great measure absolutely necessary for the effectual settling of the said Island; whereby our sugar trade might be increased, and a considerable income arise to H.M. in his Customs; provided due protection and encouragement be given to this new and valuable Plantation; which would seem the more necessary at this juncture, because both the French and Dutch in America do already sell their sugars cheaper than we can afford to do; and have of late imported great quantities even into Barbadoes. How far therefore it might be advisable to exact from the present possessors a price equal to what any stranger might offer for the lands with the improvements upon them may deserve your Lordps.' serious consideration, but it appears to us by a Memorial sent you herewith, signed by Micajah Perry and other merchants in behalf of the planters on the French land in St. Christophers, that it is highly just and reasonable the present possessors should have the preference in the purchase of the lands now held by them, provided they will give a valuable consideration for the same. All therefore we shall trouble your Lordps. with at present shall be only to offer such further conditions and restrictions in addition to those contained in our letter of 7th Aug. last, as may in our opinion render this sale most advantageous in it's consequences to the publick and best conduce to the good settlement of the Island. It may likewise be necessary in case your Lordps. should approve of these conditions that such Instructions as you shall think convenient for the occasion should be given to the persons to be appointed Surveyors and appraisers in behalf of his Majesty, and more particularly that they should have copies of the several proposals that have been made, and be informed what money has been already offered for the lands now to be disposed of for their better Government in the execution of their several Commissions. P.S.—Refer to further Memorials by Mr. Bankes and by Mr. Perry, on the death of Mr. Mills. *Annexed.*

156. i. Conditions and Restrictions for sale of French lands in St. Christophers. A sworn Surveyor to be appointed. The lands to be divided into parishes, and the inhabitants represented in the Assembly in like manner and proportion with those of the English part of the Island. They

1717.

shall likewise be subject to the same laws, duty's and imposts and enjoy the same privileges in every respect, with the rest of H.M. subjects there. Out of the lands in the French part of St. Xtophers, there shall be reserved a certain quantity, not exceeding 3000 acres, lying most contiguous to the sea coasts, which shall be given gratis, in small plantations, from 8 to 10 acres, to poor families for their encouragement to inhabit and defend the Island ; which lands shall be held in capite, and be made inalienable in such manner as shall be advised by H.M. Council learned in the law. The Salt ponds shall likewise be reserved for the common use of all the inhabitants, together with such parcells of ground, as may be necessary and convenient for the building of churches and forts. All French protestants and others possessed of lands by virtue of absolute and legal grants from the Crown, may quietly hold and possess the same according to the tenure of their respective grants. After which reservations, the remainder of the lands in the late French part shall be sold upon the following conditions. (i.) Upon all the lands now to be disposed of, besides the purchase money, there shall be reserved to H.M. an annual Quit Rent of 6d. sterling upon every English acre towards the support of the Government there. (ii.) After an exact survey taken, the lands shall be divided by the Surveyor into several lots ; none of which shall exceed 200 acres, and a just value put upon every lot by 4 persons appointed for that purpose, and sworn to act impartially ; that is to say, two by H.M. and two by the present possessors, who shall fix the price between the King and the purchasers : But in case any difference should arise upon the valuation, the Surveyor, as umpire shall finally determine the same. (iii.) The lands being thus appraised the present possessor shall have the preference in the purchase and refusal of the same, but he shall be obliged within 20 days after the valuation, to declare whether he will buy the land at the price set on it by the appraiser. (iv.) In case the present possessor shall refuse to give the sum agreed on by the appraisers, then the lot so refused, shall be sold, by publick auction to the fairest bidder, in which case the purchaser shall be obliged to allow the present possessor a consideration for his improvements in building only, and a reasonable time for carrying his goods and moveable stock of the lands ; which consideration and time shall be fixed in the same manner, and by the same persons as the value of the land was : But the person removing shall be answerable to the purchaser for any willfull wast by him committed upon the premises, after the value fixed upon the lot as aforesaid. (v.) But where it shall happen that the lot to be sold, is not already in the possession of any

1717.

planters by virtue of intermediate grants from the Crown, or from any Governor of the Leeward Islands, such lot shall be publickly exposed to sale to the fairest bidder. The same method shall likewise be observed for the disposal of such lands not already legally possessed, as may be proper for the breeding of stock, tho' not fit to be planted with sugar canes. (vi.) Provided nevertheless that no person shall be capable of purchasing or enjoying, either in his own name or by trustees, above 200 acres of the lands now to be disposed of. (vii.) And in case the person intending to purchase shall be already possessed of a plantation in the English part of the Island, he shall be capable of purchasing no more of the french lands than will be sufficient to make up the plantations already possessed by him 200 acres. (viii.) No Roman Catholick or Nonjuror shall be admitted to purchase any part of these lands, either in his own name or by trustees. (ix.) Every person admitted to purchase shall pay the price agreed on to such officer as shall be appointed by H.M. to receive the same, in manner foll.; that is to say, one fourth part thereof immediately upon being put into possession, and the remainder in three equal payments to be made half yearly, so that the whole purchase money may be paid in within the compass of two years from the date of every sale respectively. (x.) Every purchaser shall be obliged to keep and maintain within 18 months after he shall have been put into possession of his lot, one white man or two white women servants, for every 60 acres of land, and two white men or four white women servants for the same lands within 18 months more. (xi.) Proper orders shall be sent to the Governor of the Leeward Islands to pass good and effectual grants under the Great Seal of those Islands to the respective purchasers and to their heires for ever, of the several lots to be sold to them upon the preceding conditions, which patents shall resolve and determine all former and other grants, which grants so to be made, shall at any time, when desired be confirmed to the several purchasers by Letters Patents under the great Seal of Great Britain. (xii.) If any person should offer such a price for all the lands now to be disposed of, as should be thought reasonable, such person may be admitted to purchase the same, provided he will give sufficient security to retale the said lands again to the present possessors, and to such other persons as shall be willing to buy the same in the manner, and subject to the several directions prescribed by the foregoing conditions. (xiii.) Such general purchaser for his encouragement to undertake this settlement shall be allowed so much profit upon every acre by the respective persons to whom he shall retale the same, as shall be thought reasonable;

1717.

provided the total produce of all the lands by him purchased, when retailed, shall not exceed the total of the original purchase money by him paid, or to be paid to H.M. for the same. [*C.O.* 153, 13. pp. 121-134.]

Oct. 16.
Whitehall.

157. Council of Trade and Plantations to the Lords Commissioners of the Treasury. *Refer to Governor Hamilton's letter, 15th July, and the request of the inhabitants of Anguilla for leave to remove to Sta. Cruix. Continue* :—As we have lately proposed to your Lordps. amongst the conditions by us offered for the better settlemt. of the french lands in the Island of St. Christophers that about 3000 acres should be reserved to be distributed gratis in small plantations from 8 to 10 acres each for the encouragement of poor families to settle there for the defence of the Island, we humbly conceive it would be highly necessary for H.M. service upon that occasion, that the Governor of the Leeward Islands should have orders without loss of time to assure, not only the inhabitants of Anguilla, but also the other poor planters in like circumstances there in H.M. name, that they shall be allowed to settle in St. Xtophers upon the terms mentioned in preceding. [*C.O.* 153, 13. pp. 134, 135.]

Oct. 16.
Whitehall.

158. Council of Trade and Plantations to the King. Having had under our consideration some Acts that passed in your Majesty's Islands of St. Christophers and Antegoa, and having received the opinion of your Majesty's Attorney and Solicitor Genl. concerning them, we take leave to represent that (i.) The Act passed in Antegoa, 1715, *for constituting a Court of Chancery*, provides that the Court of Chancery shall for the future be held before the Governor and Council, and not before the Governor as it was held before the passing this Act ; this is agreeable to a law and the practice in your Majesty's Island of Barbadoes, and we have no objection why your Majesty may not be graciously pleased to confirm this Act in favour of your subjects of Antegoa. (ii.) An Act passed in Antegoa, 1716, *for establishing a Court of King's Bench, Common Pleas, and Errors for the better regulating and settling due methods for the administration of Justice and limiting a time for issuing executions out of the Court of Chancery in this Island*. Tho' there are several things contained in it proper for regulating the proceedings in these Courts, yet in our humble opinion it is not fit to receive your Majesty's approbation for the following reasons given by your Majesty's Attorney General. *Quote his report* Dec. 12, 1716. (iii.) An Act passed in St. Xtophers, 1716, *to prevent the danger that may happen by fire in any of the towns*, seems to be lyable to only one objection, which is that it obliges the owners of thatched houses to pull them down or to board all such houses and shingle them within six months after the date of this Act, without allowing the said owners any consideration for so doing ; But as this part of the Act must already have had its effect, and that no complaints that we know of, have been made against it, we are humbly of opinion that your Majesty may confirm this Act. (iv.) The Act of St.

1717.

Christophers, 1717, *to impower the surveyor of the highways etc.*, may deserve to be confirmed since it is calculated for the benefit of the publick and makes due provision for the person whose properties might be affected by it. [C.O. 153, 13. pp. 136-140.]

Oct. 17.
Whitehall.

159. Council of Trade and Plantations to Mr. Secretary Addison. *Reply to Sept. 3rd. Report upon Mr. Gordon's attempt to erect an ecclesiastical Court in Barbados etc. Quote correspondence from Governor Lowther, Committee of Correspondence, Barbados, and Bishop of London. Continue* :—The letters from the Committee of Correspondence and the Governor seem to insinuate that the authority now attempted to be exercised by Mr. Gordon, is entirely new in that country, and altho' it may be true that the late Bishop of London had Commissaries in the said Island, yet the powers given them were more restrain'd than those to Mr. Gordon. Wherefore we thought it our duty to examine upon what foot the Bishop's authority is establish'd in the Plantations ; But by the best enquiry we have been able to make, we can find no other foundation for the same, but an Article in the General Instructions to all H.M. Governors in America ; nor cou'd the Bishop inform us of any other, tho' in all probability the plantations may have been formerly recommended to the inspection of the Bishops of London by some Order in Council, from whence this Instruction might take its rise. The first Instruction runs thus, "And to the end the Ecclesiastical Jurisdiction of the said Bishop of London may take place in the said Island, *so far as conveniently may be*, we do think fit that you give all countenance and encouragement to the exercise of the same, excepting only the collating to benefices, granting licences for marriages and probate of wills, which we have reserv'd to you our Governor, and to the Commander in Chief of our said Island for the time being." It is certain, my Lord Bishop has carefully observ'd the latter part of this Instruction, by excepting out of Mr. Gordon's Commission collating to benefices, probate of wills, letters of administration and licences for marriages ; But it is to be fear'd his Lordship's Commissary has had little regard to the first part thereof. whereby prudence and moderation seem to be recommended in the exercise of this authority, by the words, *so far as conveniently may be* ; However it is possible Mr. Gordon might be ignorant of the tenor of this Article, for my Lord Bishop inform'd us, he gave him no other Instructions but those contain'd in the words of his Commission ; And as his Lordp. assur'd us, that he had no precedents by him of the form, in which his predecessor us'd to grant Commissions of this nature, we are inclin'd to believe they may have been different from this, because there are some clauses in Mr. Gordon's deputation, contrary to the laws of Jamaica ; And yet my Lord Bishop told us, his Commissary there, had the very same powers, which we are persuaded his Lordp. wou'd never have granted, had he been inform'd, there were such laws in force in that Island. The words in Mr. Gordon's commission are "Et quoscunque criminosos sive delinquentes per censuras ecclesiasticas et alia

1717.

legitima juris ecclesiastici remedia debite corrigend' reformatand' et puniend' tibi cujus scientiæ, circumspeditioni et industriæ plurimum confidimus, vices nostras tenore presentium, auctoritate qua fungimur, cum cujuslibet coercionis ecclesiasticæ et congruæ potestate committimus." The Clergy indeed, in a following clause are reserv'd to the Bishop's own censure, but the Laity are here absolutely deliver'd up to the discretion of the Commissary, contrary to the intent of the Jamaica law "For the maintaining of Ministers and the poor, and repairing of Churches," which was confirm'd by the Crown, and is now in force, wherein the following provision is made, vizt. "Provided always, and it is the true intent and meaning of this Act, that no ecclesiastical law or jurisdiction shall have power to inforce, confirm or establish any penal mulcts or punishment in any case whatsoever, anything in this Act or any other to the contrary notwithstanding." Whether this Law in Jamaica, might have taken it's rise from some dispute of the like nature with this, we cannot say, but whatsoever powers former Commissarys in Barbado's may have had, it is highly probable that none of them thro' indiscretion or vehemence of temper have given the like cause of complaint to the inhabitants, who in such case would naturally have copy'd after the Jamaica law in this particular, in their own defence. As to Mr. Acourt and Dominick Langton, the two clergymen recommended by his Lordp. to be collated to benefices in Barbado's, it must be allow'd that the former of these was a lunatick, nor is it deny'd that Dominick Langton is the very same person that was censur'd by the House of Commons in Ireland. But his Lordship in his answer to the Governor's letter says "he only recommended Mr. Acourt conditionally, that is to say, in case he shou'd have recover'd his senses, and that he did not imagine that vote in Ireland was intended to excludé Dominick Langton from preferment in any other Church." Besides my Lord Bishop understood by one Major Mason at the Tower, that the Governor had promis'd to provide for him, which upon examination we find to be true, tho' at the same time Mr. Mason declar'd, that both he and the Govr. were entirely ignorant of Dominick Langton's character and of the censure pass'd upon him in Ireland, when that promise was made. But as to Mr. Gordon, if he do's really deserve the character given him by the Govr. in his letter to the Bishop, it must be confess'd he cannot be a very proper person to be trusted with any authority, much less with one of so delicate a nature as that of Commissary. *Quote* Governor Lowther's description of him (May 17). *Continues* :— Considering therefore, that the Lórd Bishop of London's Ecclesiastical Jurisdiction in America, depends entirely on H.M. pleasure, that his Lordship's present Commissary is reported to be a very indiscreet person, and that H.M. good subjects in the said Island are extremely uneasy under his authority, we wou'd humbly submit it to H.M. great wisdom, whether it may not be proper my Lord Bishop shou'd be directed to supersede the said Gordon, and for the present, to employ his care and inspection more immediately upon the Clergy there; since the lives and

1717.

conversation of the Laity will in all human probability much sooner be reform'd by the pious examples of their spiritual Pastors, than by any ecclesiastical censure or coercion from the secular arm. *Autograph Signatures.* 8 $\frac{3}{4}$ pp. *Enclosed,*

159. i. Council of Trade and Plantations to the King. Duplicate of preceding.

159. ii. Copy of letter from Bishop of London to Governor Lowther, 26th April, 1717.

159. iii. Copy of petition of Agents of Barbados to the King.

159. iv. Copy of letter from Committee of Correspondence to the Agents of Barbados, 17th May, 1717.

159. v. Copy of Bishop of London's Commission to Mr. Gordon as Commissary of Barbados.

159. vi. Copy of letter from Governor Lowther to Bishop of London, 26th April, 1717. [*C.O.* 28, 39. *Nos.* 3; and (*duplicate*) 3 i.; and ii.-vi.; and (*without enclosures*) 29, 13. pp. 413-422.]

Oct. 17.
Hampton
Court.

160. Order of King in Council. Confirming Acts of Barbados *to dock the entail of certain lands* (v. Sept. 4 etc.); and *for laying a duty on sugars etc. imported* (v. Oct. 14 etc.). Signed, Edward Southwell. *Endorsed*, Recd. 30th, Read 31st Jan., 17 $\frac{1}{8}$. 1 $\frac{3}{4}$ pp. [*C.O.* 28, 15. *No.* 31; and 29, 13. pp. 452-454.]

Oct. 17.
Whitehall.

161. Council of Trade and Plantations to the King. We have no objection why your Majesty may not confirm the Act of New York *to enable Wm. Anderson, etc.* (v. 4th Sept.) [*C.O.* 5, 1079. *No.* 95; and 5, 1123. p. 456.]

Oct. 18.
Whitehall.

162. Mr. Popple to Mr. Carkesse. *Encloses* Act of Antegoa, 1716, *to prohibit the importation of French or other foreign sugar, rum, cotton or molosses.* *Continues* :—There being some matters in it which relate to the officers of the Customs there, the Council of Trade and Plantations desire the opinion of the Commissioners of H.M. Customs upon the said Act as soon as conveniently may be. [*C.O.* 153, 13. p. 143.]

Oct. 18.
Whitehall.

163. Mr. Secretary Addison to the Council of Trade and Plantations. *Encloses* following for their report. Signed, J. Addison. *Endorsed*, Recd. 18th, Read 23rd Oct., 1717. 1 p. *Enclosed,*

163. i. Sir N. Lawes to the King. Prays H.M. to grant a dormant Commission for a Lieut. Governor of Jamaica. 1 p.

163. ii. Memorandum of such dormant Commissions formerly granted. 1 p. [*C.O.* 137, 12. *Nos.* 91, 91 i., ii.; and 138, 15. pp. 485-488.]

Oct. 20.
Newcastle
at sea.

164. Capt. Passenger to Mr. Popple. *Refers* to letter of Oct. 1st. The wind hapened to prove fair just in an evening, so that wee had not above one hour of day to get out etc. Not one of the seven New England men (*names given*) sailed with me as

1717.

commanded *etc.* They had no manner of bussiness to stay, but to carry off men, *etc.* There are several New England men settled there and connive and bargain with those fellows *etc.*, and have sent them off headed up in hogsheads as I was informed ; and when I called the person to account for it, it could not be made appear upon oath so I could not punish him, the thing being done the last year and the material evidence out of the harbour. One Arnold Southmead a New England surly fellow that keeps a store here, and sells stinking New England rumm, encouraged them not to sail with me, *etc.* So the merchants as they call them of New England make their voyages of our poor slaves (if I may call them so) after they have work'd night and day all the fishing season, and spent what they have gott in their stinking rumm brought from New England only (all other rum is good) *etc.* as 1st Oct. *Continues* :—Sr. after I came to be truly informed of this insufferable proceedings, wch. I was ashamed and confounded to hear related, I exerted myself to prevent it, for I saw the good of the country depended intirely on that point, and am very sorry I had not a sufficient power to have sent every man concern'd home *etc.* I hope their Lordpps. will find some method to punish them ; otherwise whatever any Commander of H.M. ships shall order, will be ineffectuall for the future *etc.* If there is not some measures found out to intirely prevent those abuses, and to settle a Government, the fishing and trade to Newfoundland must inevitably dwindle away to nothing, is the opinion of every good man that either lives or trades to that place *etc.* *Signed*, W. Passenger. *Endorsed*, Recd. 22nd Nov., 1717, Read 28th Feb., 1718. 3 pp. *Enclosed*,

164. i. Copy of Capt. Passenger's Order to the Masters of the New England vessels to be ready to sail with him by 30th Sept., and not to stay after H.M. ships under any pretence. H.M.S. *Newcastle*, St. Johns, 23rd Sept., 1717. *Signed*, W. Passenger. 1 p.

164. ii. Duplicate of No. 115. [*C.O.* 194, 6. Nos. 39, 39 i., ii. ; and (without enclosures) 195, 6. pp. 370–375.]

Oct. 22.
Hampton
Court.

165. Mr. Secretary Addison to the Council of Trade and Plantations. Refers following for their report. *Signed*, J. Addison. *Endorsed*, Recd. 23rd Oct., Read 6th Nov., 1717. $\frac{1}{2}$ p. *Overleaf*,

165. i. Petition of John Borland, New England, to the King. Petitioner was the first undertaker of curing sturgeon in America for the English market, and has been at considerable expence in sending over persons and necessarys to carry on the same. He hath moreover been att several thousand pounds expence for the support of the Garrison at Annapolis Royal which is still due to him. *Prays* for a patent for the sole curing and importing of sturgeon, which others (14th Oct.) are now petitioning for. 1 p. [*C.O.* 5, 866. Nos. 125, 125 i. ; and 5, 915. pp. 55–57.]

1717.

Oct. 23.
Whitehall.

166. Mr. Secretary Addison to the Council of Trade and Plantations. The Lords Proprietors of the Bahama Islands in America being about to surrender to the Crown their right and power of Government in and over the said Bahama Islands; I am hereby to signify H.M. pleasure to your Lops., that when the deed of surrender shall be duly executed by the said Lords Proprietors, you should accept the same, and transmit the said deed to H.M. Attorney General, in order to its being inrolled in Chancery. *Signed*, J. Addison. *Endorsed*, Recd. 28th Oct., Read 6th Nov., 1717. 1 p. [C.O. 5, 1265. No. 80; and 5, 1293. p. 114.]

Oct. 23.
Hampton
Court.

167. H.M. Commission to Woodes Rogers to be Captain, and to Rt. Beauchamp to be First Lieutenant of the Independant Company of Foot appointed to do duty in the Bahama Islands. *Copy. Countersigned*, J. Addison. [C.O. 324, 33. p. 111.]

Oct. 23.
Whitehall.

168. Council of Trade and Plantations to the King. Recommend for H.M. confirmation 3 Acts of Jamaica, (i.) *for regulating fowling and fishing*, (ii.) *for the better securing the estates and interests of orphans and creditors and to oblige executors to give security etc.*, 1711. (iii.) *for preserving the Public Records*, 1712. The Act, 1712, to *incourage white men to come and settle* seems in generall to be very beneficial and to be liable to one objection only in that part of it, where to prevent the stealing of goods by persons that carry goods for hire it is enacted, that any such person being suspected of having stolen any such goods shall be obliged to answer upon oath, before a magistrate, what goods and how much were so purloin'd, stolen or imbezelled. And if he refuse to take such an oath, he is to forfeit £20; If he be convicted by his own confession on oath, he is to forfeit to the person aggrieved double the value of the goods so purloined *etc.* And tho' this is in some measure qualify'd by a subsequent clause, wch. provides that such confession on oath shall not be given in evidence to charge any person with felony or in any action at law *etc.* (v. July 22, 1714) yet even this seems to be too hard, as being contrary to natural Justice, to oblige a man to answer upon oath to accuse himself of a crime, which we do not know to be required by any law in this Kingdom. However as we have been inform'd, that some such rigorous provision by Law is in that Island necessary for the securing goods and merchandizes as aforesaid, and that we have not received or heard of any complaints against this Act since it pass'd, and that it is in other respects usefull and reasonable, we must beg leave to submit to your Majesty's pleasure, whether the same may not be confirm'd. Concerning the Act *declaring what persons shall be qualify'd to set in Assemblys*, 1711, We must beg leave to observe, that as the Assembly did at first meet and now subsist only by your Majesty's Commission to the Governor and the powers therein granted, the qualifications of the Assembly men and of their electors ought properly to be regulated by Your Majesty, not by the Assembly, besides the qualification of £200 pr. annum required by this Act appears to

1717.

us to be too large a summ ; We cannot therefore think it advisable for your Majesty to confirm this Act, but rather to declare your disallowance of it. The Act to *prevent hawking and disposing of goods clandestinely*, 1711, we conceive shou'd be rejected, because it prohibits the selling in open markets any sorts of goods, wares and merchandizes whatsoever, other than Plantation provisions, fresh fish and live-stock, whereby markets in wch. it is lawful to sell other sorts of foods and wares, wch. may lawfully be and usually are sold in markets are in a manner destroy'd, and it is not within the mischief design'd to be remedy'd by this Act, wch. was hawking and selling from place to place ; and it seems further unreasonable that all persons shou'd be prohibited as they are by this Act from buying up to sell again any manner of Plantation provisions or live stock whatsoever within ten miles of any town of that Island, there is likewise another objection against this Act, vizt., that the inhabitants of one particular parish are restrain'd from supplying any other place or parish with any small stock such as hoggs, ducks and dunghill fowl, but what the seller raises himself, it being unreasonable to distinguish the inhabitants of that parish from those of other parts of the Island. As to the Act to *disinable any Member of the Council or of the Assembly from acting as Commissioners for receiving any publick money rais'd or to be rais'd by the Govr. Council and Assembly, and to disinable any such Commissioner to be a Member of the Council or of the present or any future Assembly of this Island ;* We think it not only lays a great hardship on such persons as your Majesty may think proper to appoint of your Council there, but likewise lays such a restriction on your Majesty's Prerogative as may be attended with worse consequences in this Island, than perhaps in any other of your Majesty's Plantations, wherefore we are humbly of opinion this Act shou'd be rejected. We have no objection why your Majesty may not confirm the Acts of 1716 *for the more easy serving of constables etc., and for the effectual discovery of all persons that are disaffected to H.M. and His Govt. and to prevent all such persons holding any office or place of trust within this Island.* The following Acts pass'd in Nov. 1716 by the present Govr. Mr. Heywood vizt., *to oblige the several inhabitants to provide themselves with a sufficient number of white people etc., and to encourage the bringing over and settling of white people etc.* ought for many reasons to be rejected. (i.) Because they are join'd together in the nature of a tack ; so that the one wou'd be imperfect without the other, and both of them (tho' not equally) liable to objections, do take away your Majesty's power of granting a non vult ulterius prosecui in cases of forfeiture against these Acts. (ii.) The former provides a subsistence for the two independent Companys, only for one year, wch. term is now expired, tho' the Act itself was to continue in force to Dec. 1st, 1719, and this provision had a clause annexed to it, that no officer or soldier should enjoy any civil office on the penalty of £500, wch. clause is foreign to the main design of the Acts, and consequently contrary to an article in your Majesty's Instructions to your Governor of that Island, wch. expressly forbids him to pass

1717.

any bills containing clauses of a different nature from the bill itself, without having first obtain'd your Majesty's leave to do it ; besides a former Act of Jamaica was within these few years rejected by the Crown for having the very same clause in it. (iii.) In this Act all the public offices are tax'd and the mony arising thereby as well as by the other parts of this Act, was to be paid into the hands of Commissioners appointed by the Assembly to receive the same, wch. is an inroad upon your Majesty's Prerogative, a prejudice to your Majesty's Receiver Gen., and is contrary to an Article in the Instructions to your Govr. (iv.) The latter of these two Acts appoints Commissioners for certain uses and directs that in case of the death of any of the sd. Commissioners, the powers granted them shall devolve upon their heirs several, wch. we cannot but think very extraordinary. (v.) These two Acts do in several respects seem to clash with an Act *for encouraging the importation of white people* pass'd in 1703, wch. has been confirm'd as well as with the Act of 1712, for the same purpose, both wch. Acts were to be perpetual, and yet these Acts of 1703 and 1712 are not repealed, nor indeed is there any mention made of them in either of the abovemention'd Acts pass'd by Mr. Heywood. We think it our duty upon this occasion to observe to your Majesty that during the Govt. of Lord Hamilton, his Lordship communicated to the Assembly a letter from this Board and some of the Articles of his Instructions from your Majesty, recommending the passing some Act or Acts for peopling the Island and prescribing some methods for that purpose, whereby the main end of these two Acts might have been attain'd, and the objections they are liable to have been prevented. But the Assembly (as we are inform'd) had so little regard to the same that they declin'd reading either ye letter or the Articles of Instructions, sent them by my Lord. and prepar'd two bills for the aforesaid purpose, wch. bore the same title, with these two Acts, and were liable to much the same objections, which the Council offering to amend, the Assembly dropt those bills. We cannot therefore but be surpriz'd to find them offer'd again with the same objections, and that Mr. Heywood, who is personally interested therein, shou'd have thought fit to pass them, and so much the rather, because he was particularly restrain'd by your Majesty's Instructions to him from passing of any Acts, but what were immediately necessary for the peace and wellfare of the said Island without your Majesty's particular order for that purpose. Upon the foregoing considerations we cannot but be humbly of opinion, that your Majesty may declare your disallowance of these two Acts, as they are liable to the aforesaid objections, and because the Act of 1703 and that of 1712, if your Majesty shou'd think fit to confirm it, may in some degree answer the end of those two Acts, at least, till others can be propos'd, not liable to the like objections. The Act *repealing an Act for the better securing the estates and interests of orphans and creditors etc.*, being intended to repeal another law, wch. we have offer'd for your Majesty's approbation, and not appearing to be more effectual for the public benefit and advantage of that Island ;

1717.

Besides this Act taking away your Majesty's power of granting a non vult ulterius prosequi, your Majesty may signify your disallowance of the same, whereby the former Act will be in force again. The Act for granting a further relief, in relation to proving of wills and testaments, and granting letters of administration of intestate estates, dos interfere with your Majesty's Instructions, and the powers therein to your Governor, whereby the probate of wills is reserved solely to him ; Whereas the power of granting such probates is by this Act made subject to the Supream Court of Judicature in that Island ; We must therefore humbly submit it to your Majesty's pleasure, whether this Act shou'd be confirm'd. In relation to the Act to secure the freedom of elections and directing the proceedings in the choice of members to serve in Assemblys etc. ; we must beg leave to observe that a Bill to this effect having been prepar'd by the Assembly, during the Lord A. Hamilton's Government, the Council offer'd an amendment to it to prevent clandestine conveyances, and ye creating sham Freeholders in order to multiply votes at elections, a practice wch. we are inform'd is pretty much made use of there ; and the Assembly refusing to agree to such an amendment, the bill was dropt. The present Act takes away your Majesty's power of granting a non vult ulterius prosequi in cases of penalties incurr'd by the Act, and imposes on all persons without exception, who may offend against some conditions of it, a certain fine to wch. your Majesty's Governor himself is consequently to be subject. For this reason and because the Assembly have not been willing to consent to the remedying any abuses suppos'd to be committed in elections by persons of their own society, we cannot think it advisable to propose to your Majesty the confirming this Act. As to the Act to prevent any one man to hold any two or more offices of profit in this Island, we humbly represent that in 1711, another Act with the same title was pass'd in Jamaica and repeal'd by her late Majesty for reasons offer'd by this Board, altho' that Act was only levell'd agt. the Provost Marshall, who then held the office of Secretary by deputation ; But this Act is still more general and consequently more liable to objections, since it extends to all persons that your Majesty may think fit to appoint to any two places under the penalty of £500 for every three months they execute the same either as Deputy or Principal ; Besides it is liable to the foremention'd objection of restraining your Majesty's Prerogative in relation to a non vult ulterius prosequi, for wch. reason we humbly offer that your Majesty be pleased to signify your disapprobation of the sd. Act. [C.O. 138, 15. pp. 488-504.]

Oct. 24.
Whitehall.

169. Council of Trade and Plantations to Mr. Secretary Addison. *Reply to Sept. 26th.* We have considered Lord A. Hamilton's Memorial, and his proofs of the allegations therein contain'd. His Lordship's method of proceeding herein was to apply his evidence to the sevl. articles in order as they stand number'd in his Memorial, and as his proofs were pretty voluminous, we have rather chosen to transmit you a copy of our Minutes together with the several papers and extracts therein

1717.

referr'd to *etc.*, than to incorporate them in the body of this letter, that H.M. may be the better able to judge whether they do not sufficiently prove the sevl. facts asserted in his Lordships meml. You will observe that most of these proofs consist of written evidence, as Instructions and letters from H.M., letters from the Secretary of State and this Board, and Minutes of the Council in Jamaica, and are consequently of such a nature as cou'd not admit of contradiction if the persons complain'd of by his Lordship had been present to make their own defence, wch. in this case was impracticable because there are none of them in the Kingdom ; but indeed considering the nature and circumstances of my Lord A. Hamilton's case, the presumptions as well as the proofs are very strong in his favour, since the prosecution agst. him was entirely dropt upon his Lordship's being dismiss'd from H.M. Service, tho' he did often solicit to be heard before H.M. in Council. The Orders given by H.M. for securing Lord Hamilton's person, seem to have been chiefly groundd upon the affidavits of Walter Adlington and Saml. Page present Deputy Secretary to Jamaica, whose character at that time was not so well known as it has been since ; and you will perceive by the papers annex'd, how little regard the sd. Page has had to truth and how far his zeal in that cause transported him beyond the rules of common Justice. You will likewise be pleas'd to take notice, how ill an use Mr. Heywood and the Council have made of H.M. Instructions for securing the Lord Archd's. person, wherein in our opinion they were no wise justifiable by those Instrns., because they were not directed by H.M. Orders to send the Ld. Archd. prisoner to England, unless upon examination it shou'd appear to them, that he was concern'd in the piracy complain'd of by the Spaniards, the contrary whereof seems to us to be true. It cannot but be a great misfortune to any Gentleman to be dismiss'd the service of so excellent a Prince as H.M. ; but to be remov'd in a manner so reflecting upon his character must add to the mortification ; and we are sorry to find the publick has been so little advantag'd by the change. We shall not take upon us to determine how far it might be proper for H.M. to comply with the prayer of my Lord Archibald's Memorial, tho' if it shou'd appear to H.M. that Mr. Heywood and the other persons complain'd of by his Lordship have been guilty of the facts by him laid to their charge, we cannot but think it wou'd be for H.M. service in that Island and contribute very much to the better supporting H.M. Government there for the future, that H.M. shou'd shew such marks of his displeasure against them as to His Royal wisdom may seem most proper. But as to Mr. Page, we think it highly necessary for H.M. service, that a person of his character shou'd be remov'd from the place of under Secretary to the Island of Jamaica and from all offices of trust whatsoever under H.M. Since it will be impossible for any Govr. to discharge his duty in so effectual a manner as might otherwise be expected from him whilst he shall find himself in the power of a Secry. in whom he cannot repose the least confidence. [C.O. 138, 15. pp. 504-508.]

1717.

Oct. 24.

- 170.** Analysis of preceding, without date. 2 pp. *Enclosed*,
 170. i. Copy of Hamilton's Memorial. (v. Sept. 26, 1717.)
 170. ii. Copy of Minutes of the Board of Trade upon hearing
 the Lord Archd. Hamilton on each Article of his
 Memorial, (v. Journal of Council of Trade). [C.O. 137,
 46. Nos. 28, 28 i., ii.]

Oct. 24.

Whitehall.

171. Mr. Popple to Governor Hamilton. *Acknowledges* letters of 22nd June and 15th July. *Continues* :—The Council of Trade and Plantations have commanded me to acquaint you that they have laid some of the Acts of your Government before H.M. for confirmation, as the Act *for establishing a Court of Chancery* etc., and others to be repealed, as the Act *for the Court of King's Bench*, of all which (when H.M. has declared his pleasure) their Lordps. themselves will give you a full account and of the objections that are against any of them. In the mean time I am to observe to you by their direction that most of your Acts have too much severity in them, which often prevents the cure of the evil intended to be remedied by such laws ; and therefore their Lordps. are of opinion that you should endeavour to avoid this objection as much as possible in all future Acts to be passed by you. Upon this occasion I am further to desire that when you transmit over any Acts of your Government you be very particular in giving their Lordps. an account of the reasons there may be for or against those Acts. Their Lordps. have considered what you write in relation to small armes, and have made two reports upon that matter, but I do not yet hear that anything is done upon them. However the Agents are soliciting the dispatch of that affair. I am now to remind you of what the Board writ you, 4th Oct., about transmitting accounts of the Revenue and of the annual expences of the Government. You tell their Lordps. indeed, that, that will be found by the Acts passed in each respective Island but it would be much easier to them, and more easily done by you who are upon the spot, and who can best know what is raised by your Acts to transmit to their Lordps. such an account as they desire, and as they think it necessary to insist on having from you. They have also considered what you writ in relation to the poor inhabitants of Anguilla, and have represented to the Lords of the Treasury (who have now under consideration the disposal of the french lands of St. Christophers) that so many of the said inhabitants as can be conveniently disposed of in St. Christophers be settled there upon small plantations to be given them gratis after such poor inhabitants as are already on St. Christophers have been provided for. In the mean time their Lordps. are of opinion that you will do well to encourage the people of Anguilla to remain where they are, till the method and manner of the disposal of the late French lands be determined by H.M. And that you endeavour as much as possible to prevent any of H.M. subjects from removing to foreign settlemts. The collection of laws that you have sent the Board is not what they expected, for it contains only the Laws of Nevis, and the general Laws of the four Islands what their Lordps. therefore desire is

1717.

that you would send them one Book of the general Laws by themselves and one for each of the other 4 Islands, that is of such Laws as are in force. In the mean time while they are transcribing what their Lordps. expect from you is a list of all the Laws in force under the same distinctions as is abovementioned in the 5 Books. that their Lordps. may compare those lists, with the Laws they already have. I am commanded to observe one thing more to you, and that is upon an Act passed by you at St. Christophers 27th Nov.. 1716. *for raising a tax on trade to defray the publick charges of this Island* ; which enacts that a tax of 10s. pr. poll be laid on all negroes. and other slaves. 10s. pr. head on all horses and mules. and 5 pr. cent. currant money on all other wares and merchandize of what kind or denomination soever, (liquors only excepted) imported to this Island and not being the right and property of any person or persons residing here (all such and they only being here exempted from the payment of the said tax) this their Lordps. think very unreasonable and would have laid the Act before H.M. to be repealed. had it not been expired, and therefore for the future expect that you will be very carefull in not passing any Act that may lay a burthen upon the trade or shipping of this Kingdom according to H.M. additional Instruction lately sent you. [C.O. 153, 13. pp. 144-148.]

Oct. 24.
Hampton
Court.

172. Order of King in Council. Confirming Act of New York to enable Wm. Anderson etc. v. 17th Oct. Signed, Edward Southwell. Endorsed, Recd. 30th, Read 31st Jan., 17 $\frac{1}{8}$. 1 $\frac{1}{4}$ pp. [C.O. 5, 1051. No. 48 ; and 5, 1123. pp. 510, 511 ; and (duplicate, endorsed, Recd. 24th, Read 25th Feb. 17 $\frac{1}{8}$) 5, 1051. No. 56.]

Oct. 24.
London.

173. Micajah and Richard Perry to Mr. Popple. Enclose following. Signed, Micajah and Richard Perry. Endorsed, Recd. 24th Oct., 1717. Addressed. $\frac{1}{4}$ p. Enclosed.

173. i. Receipt for a box to be delivered to Lt. Governor Spotswood. Signed, Constantine Cant. Capt. of the *Burwell*. 1 p. [C.O. 5, 1318. Nos. 26, 26 i.]

Oct. 25.

174. William Cooke, Secretary of Virginia, to the Council of Trade and Plantations. The Laws of Virginia having been lately transmitted over to me in order to be printed, 'tis found upon perusal that certain Acts of Assembly, and clauses of others are repugnant to the laws of Great Britain. As for instance, Anno 1663. An Act *prohibiting the unlawfull assembly of Quakers* etc., which if put in execution would prove injurious to the Colony by banishing out thereof great numbers of industrious inhabitants. The 2nd Act of the same Sessions, *concerning foreign debts*, does directly establish injustice to English creditors. An Act pass'd in 1676 *limiting the times of receipt and payment of publick tobacco* was repealed by Proclamation but there being among other clauses therein contained, one declaring who shall not bear office in the Colony of Virginia, the lawyers who revised the Body of Laws, are of opinion that this clause is still in force notwithstanding such repeal. Now seeing H.M. has been pleas'd to

1717.

repeal an Act made in 1705 entitled an Act, *who shall not bear office in Virginia*, 'tis thought reasonable with submission to your Lordships that this clause particularly be repealed, *etc.* Signed, Wm. Cocke. *Endorsed*, Recd., Read Oct. 25, 1717. $1\frac{1}{2}$ pp. [C.O. 5, 1318. No. 27.]

Oct. 25.
Whitehall.

175. Council of Trade and Plantations to Mr. Secretary Addison. We have consider'd Sir N. Lawes' Memorial, relating to a dormant Commission for a Lt. Governor of Jamaica (*v.* Oct. 18), and having search'd our Books find several precedents of the like Commissions. We have also discours'd with Sr. Nich. Lawes on this subject, who represented to us the great inconveniences, that have formerly happen'd by the Government's devolving on the eldest Councillor as is now practis'd; Wherefore we intirely agree that it may be for H.M. service, yt. such a Commission as is desir'd by Sr. N. Lawes be granted to a proper person; and we inclose to you the copy of the last we find in our Books given to Col. Handasyde in June 1702, which may serve for your information in case H.M. shou'd be pleas'd to grant the same. *Autograph signatures.* 1 p. [C.O. 28, 39. No. 4; and 138, 15. pp. 509, 510.]

Oct. 28.

176. Copy of the Surrender from the Lords Proprietors of the Bahama Islands to the King of their right of civil and military government. *Rehearses Charter of Charles II. etc. Concludes with following clauses of surrender and reservation*;—And whereas the estate, intrest, right and title *etc.* are by mean conveyances and assurances in the Law or otherwise by descent legally come unto and vested in the Most Noble Henry Duke of Beaufort an infant under the age of 21 years, the Right Honourable William Lord Craven likewise an infant under the age of 21 years, the Right Honourable John Lord Carterett, the Rt. Honoble. William Lord Berkeley, the Honourable Maurice Ashley Esq. and Sr. John Colleton, Barronett, the present Lords Proprietors of the said Islands and premisses who are willing and desirous to surrender all their rights to the civil and military powers of Government of and in the said Islands and premisses to his Most Excellent Majesty to the intent that his Majesty may be pleased to constitute a Governor or Governors of the said Islands and places aforesaid with such powers, priviledges and authorities for the Government thereof and making of such Laws there with the consent of the Councill and Assembly of the said Islands, and his Majesty's subsequent approbation thereof as His Majesty in his great wisdom shall think fitt and convenient Wee therefore James Berty and Doddington Grevill Esquires Guardians and Trustees for the Duke of Beaufort Sr. Fullivar Skipwith Baronet Guardian and Trustee for the said William Lord Craven John Lord Carterett William Lord Berkely Maurice Ashley Esqr. and Sr. John Colleton Barronett the said present proprietors of the sd. Islands for the consideracons and to the intent aforesaid have surrendred and yeilded up and by these presents for us and our heirs do surrender and yeild up unto our Sovereigne Lord George

1717.

by the grace of God King of Great Brittain France and Ireland etc. his heirs and successors All those the said powers and authorities to correct punish pardon govern and rule all or any of his Majestyes subjects or others who now are or inhabit in or shall hereafter adventure into or inhabitt within the said Islands or either of them and also to nominate make constitute ordain and confirm any laws orders ordinances direcons and instruccons for those purposes or any of them and to constitute nominate and appoint revoke discharge change or alter any Governor or Governors Officers or Ministers which are or shall be appointed made or used within the said Islands or either of them and to make ordain and establish any orders laws direcons instructions formes or ceremonyes of Government and Magistracy for or concerning the Government of the said Islands or either of them or on the sea in goeing or comeing to or from thence or to put in execution or abrogate revoke or change such as are already made for or concerning such Government or any of them and also all those the said powers and authorities to use and exercise Martiall Law in the places aforesaid or either of them And of encountring repelling and resisting by force of arms any person or persons attempting to inhabitt there without the licence of us the said Lords Proprietors our heirs and assignes and all other the powers authorities and priviledges of or concerning the civill or military Government of the said Islands or any of them or of the inhabitants thereof which were granted or menconed or intended to be granted in and by the said recited Letters Patent and every of them saveing and excepting out of this present surrender to us our heirs and assignes all the lands and soyle of the said Islands and places aforesaid and the rents and quitt-rents issues and profitts thereof or thereout ariseing or issueing or to be issueing or goeing thereout and also saveing and excepting the liberty and freedome of religion in such manner as by the said Letters Patents is granted And alsoe saveing and excepting to us the said Lords Proprietors our heirs and assignes all and singular the ports harbours bays and rivers to the abovemenconed Island and Isletts belonging and appertaining with the fishing of all sorts of fish whales sturgeon and all other royall fishes in the seas bays islands and rivers within the abovemenconed premisses and the royall fish and others therein taken together with the royaltie of the sea upon the coast within the limitts aforesaid And moreover all veines, mines and quarries as well discovered as not discovered of gold silver gems precious stones and all other whatsoever be it of stones mettalls or any other thing whatsoever found or to be found within the Islands and limitts aforesaid and all other royalties libertyes franchises and priviledges in and by the said Letters Patents granted not interfering with or relating to the civill and military powers of Government of and in the said Islands and so as the said Islands shall be put under and remaine a separte and distinct Government and shall not be made any member or part of any Colony in America or elsewhere nor be depending on or subject to their Government in anything but be subject immediatly to the Crowne of Great

1717.

Brittaine as depending thereof for ever *etc.* Signed and sealed by James Bertye, Doddington Grevill, Sr. Fullivar Skipwith, William Lord Berkeley, Maurice Ashley and Sr. John Colleton, and Maurice Ashley for John Lord Carterett. *Endorsed*, Reed. (from Capt. Rogers) Read 6th Nov., 1717. *Parchment. 2 large pp.* [C.O. 5, 1265. No. 82; and 5, 1293. pp. 115-126.]

Oct. 28.

177. Mr. Attorney and Mr. Solicitor General to Mr. Popple. Enclose following in reply to 13th Feb., and to H.M. reference of the Earl of Sutherland's petition to them. *Signed*, Edw. Northey, Wm. Thomson. *Endorsed*, Reed. 29th Oct., Read 6th Nov, 1717. $\frac{3}{4}$ p. *Enclosed*,

177. i. Mr. Attorney and Solicitor General to the King. 21st Oct., 1717. We have jointly considered of the petition of the Earl of Sutherland for a Charter of the three Lower Counties upon Delaware Bay *etc.* We have heard the persons concerned for William Penn Esq., and severall mortgagees and purchasers under him and also Lord Baltimore who severally claim title to the said Lower Counties being called New Castle Kent and Sussex And we do most humbly certifie your Majesty that the said William Penn is intituled under the grants of K. Charles II to the Plantation of Pensilvania But that these Counties are not included in such grant and his title to Pensilvania is not now contested. And as to your Majesty's title which the Earl of Sutherland has undertaken to make out to the said three Lower Counties he has insisted that the same were gained by conquest by the subjects of your Majesty's predecessors or granted to your Majesty's predecessors by the possessors thereof and that thereby your Majesty's predecessors became intituled to the same for that a subject of the Crown could not make foreign acquisitions by conquest but for the benefit of the Crown And that the length of possession will be no barr to the Crown That for severall years last past Mr. Penn hath had the possession of the said Lower Counties under a pretence of a grant thereof to him made in 1682 by the late King James when Duke of York who then had the possession of New York and the said three Lower Counties; but had no right to the said Lower Counties and therefore could not transferr any right in the same to the said Mr. Penn which appears For that the said late King afterwards when Duke of York in 1683 obtained a warrant from the then King Charles II to pass a Patent whereby the said three Lower Counties should have been granted to the said then Duke of York And a copy of a Bill to pass into a grant in April 1683 to the said James Duke of York of the said three Lower Counties has been produced by the said Earl of Sutherland And it is alledged the same was never past into a grant And that if the same had past into a grant it

1717.

would not have made Mr. Penn's title to the said Three Lower Counties to be good, the title of the said Mr. Penn under the Duke of York being precedent to the title of the said Duke of York but that the same did remain in the said Duke of York and is consequently now in your Majesty And that your Majesty's title further appears For that after in May 1683 when the then Lord Baltimore by petition opposed the passing the said Bill under the Great Seal Mr. Penn then appeared against the said Lord Baltimore as Agent for the Crown and not on behalf of himself And Mr. Penn under his hand has declared that your Majesty's Royal approbation and allowance of the Deputy Governor of Pensilvania and the three Lower Counties on Delaware River named by him shall not be construed to diminish or sett aside the right claimed by the Crown to the said three Lower Counties Besides the said Earl of Sutherland insists that in the grant of the said Duke of York in 1682 to Mr. Penn of the said Three Lower Counties there is a reservation of an account to be made of one moiety of the profits of the lands thereby granted touching which no account has yet been rendred by Mr. Penn and that therefore if the said grant in 1682 was effectual the said Mr. Penn is yet accountable to your Maty. for the moiety of all the profits of the land so granted from the year 1682 according to the said reservation, And that that if the said Earl of Sutherland cannot by your Maty's favour be intituled to the said Three Lower Counties he humbly prays he may have the benefit of the said account. In answer to which on the behalf of Mr. Penn's mortgagees and other purchasers under him it hath been alledged that the late King James II when Duke of York was seized in fee of the said Three Lower Counties and as one argument to prove such seizin they have produced Letters Patents dated the 29th of June 26^o Car. 2^d whereby his said late Maty. King Charles II granted to the said James late Duke of York his heires and assigns all that part of the main land of New England beginning at a certain place called or known by the name of St. Croix adjoyning to New Scotland in America and from thence extending along the sea coast unto a certain place called Pemaquinne or Pemaquid and so up the river thereof to the further head of the same as it tendeth northward and extending from the River of Kinebequin and so upwards by the shortest course to the River Canada northwards And all that Island or Islands commonly called by the several name or names of Matewaicks or Long Island scituate and being towards the west of Cape Codd and the Narro Higansetts abutting upon the mainland between the two rivers there called or known by the several names of Connecticut and Hudson River together

1717.

also with the said river called Hudson's River And all the lands from the West side of Connecticut River to the East side of Delaware Bay And also all those severall Islands called or known by the name of Martin Viniard and Nantacks otherwise Nantakett Together with all the lands islands soyles rivers harbours mines mineralls quarries woods marshes waters lakes fishings hawkings hunting and fowling and all other royalties profits commodities and hereditaments to the said several islands lands and premisses belonging and appertaining with their and every of their appurtenances And all his said late Majty's. estate right title and interest benefit advantage claim and demand of in or to the said lands and premisses or any part or parcell thereof And the revercon and revercons remainder and remainders together with the yearly and other rents revenues and profits of the premisses and of every part and parcell thereof att and under the yearly rent of 40 beaver skins when they shall be lawfully demanded or within 90 days after such demand made with powers of Government Within the descriptions of which grant it hath been agreed by both parties that the said three Lower Counties are not contained But on the behalf of Mr. Penn etc. it hath been insisted that by the general words Together with all the lands Islands soyles *etc.* the said three lower Counties did pass as belonging to the premisses expressly granted by the said Letters Patents for that the three Lower Counties were enjoyed by the said late Duke of York together with New York which was granted by the said Letters Patents unto the said late Duke of York untill he granted the same to the said William Penn in 1682 by the grants hereinafter mentioned Which seems difficult to us to be maintained since the abuttall in the said Letters Patents exclude the three Lower Counties But they presume the said late Duke of York might have some other grants thereof which Mr. Penn might give an account of but cannot being under a Lunacy And we do further humbly certifie your Majesty that by indenture dated 24th Aug. 1682 made between the said late Duke of York of the one part and the said William Penn of the other part the said late Duke of York for the consideracons therein menconed did bargain sell enteoffe and confirm to the said William Penn and his heirs all that the town of Newcastle otherwise called Delaware And all that tract of land lying within the compass or circle of twelve miles about the same scituate lyeing and being upon the River Delaware And all islands in the said River Delaware and the said River and soil thereof lyeing north of the southermost part of the said circle of twelve miles about the said town together with all rents services royalties franchises duties jurisdictions liberties and

1717.

priviledges thereunto belonging And all the estate right title interest powers property claim and demand whatsoever of the said late Duke of and in or to the same or to any part or parcell thereof At and under the yearly rent of five shillings with a covenant for farther assurance. And the said late Duke did thereby constitute and appoint John Moll and Ephraim Harman or either of them his Attorney with full power for him and in his name and stead to deliver seizin of the premisses granted by the said last recited indenture to the said Wm. Penn and his heirs. And the said late Duke of York by another indenture bearing date the said 24th of August 1682, and made between the said late Duke of York of the one part, and the sd. Wm. Penn of the other part for the consideration therein mentioned did bargain, sell, infeoffe and confirm unto the said Wm. Penn and his heirs, all that tract of land upon Delaware River and Bay beginning 12 miles south from ye Town of Newcastle otherwise called Delaware and extending south to the Whore Kills otherwise called Capin Lopen [*Cape Henlopen*] together with free and undisturbed use and passage unto and out of all harbours, bays, waters, rivers, isles and inlets belonging to or leading to the same together with the soil, fields, woods, underwoods, mountains, hills, fenns, isles, lakes, rivers, rivulets, bays, and inlets situate in or belonging unto the limits and bounds aforesaid together with all sorts of minerals. And all ye estate, intrest, royalties, franchises, powers, privileges, and immunities whatsoever of the sd. Duke of York therein or in or unto any part or parcel thereof at and under the yearly rent of one rose. In which said last mentioned indenture is contained a covenant on the part of the said Wm. Penn his heirs or assigns within the space of one year next ensuing the date of the said indenture to erect or cause to be erected and set up one or more publick office or offices of registry in or upon the said last bargained premisses wherein truly and faithfully to account set down and register all and all manner of rents and other profits which he or they or any of them shall by any ways or means make, raise get or procure of in or out of the said last bargained premisses or any part or parcel thereof. And also at the Feast of St. Michael the Archangel yearly and every year shall well and truly yeild pay and deliver unto the said late Duke of York His heirs and assigns one full moiety of all and all manner of rents, issues and profits as well extraordinary as ordinary as shall be made or raised upon or by reason of the premisses or any part thereof with power to the said late Duke of York his heirs and assigns in case the same shall be in arrear 20 days to enter in and upon the same premisses or any part thereof and there to distrain and the distresses to detain until payment of

1717.

the said moiety and arrears thereof together with all costs and damages for the same. And by the same indenture the said John Moll and Ephraim Harman or either of them were appointed in like manner Attorney or Attorneys to deliver seizin of the last bargained premisses to the said Wm. Penn and his heirs. Both which said indentures were entred in the Office of Records for ye Province of New York on the 21st of Novr. 1682, within wch. said grants the said three lower Counties are contain'd but the covenant to account extends only to what is included in the last recited grant. That by an order by the Commander in Chief and Council of New York dated at New York 21 Novr. 1682, reciting the said two recited indentures, and reciting, that the said Commander and Council, were fully satisfy'd of the said Wm. Penn's right to the possession and enjoyment of the premisses had therefore thought fit and necessary to signify and declare the same to the several Justices of ye Peace Magistrates and other Officers at Newcastle, St. Jones Deale als. Whore Kill, at Delaware, or within any of the bounds and limits abovemention'd to prevent any doubt or trouble that might arise; and after having thanked the said Magistrates for their good services in their several offices and stations during the time they remained under his sd. late Royal Highnesses Government, they declare they expected no further account, than that they should readily submit and yeild all due obedience and conformity to the powers granted to the sd. Wm. Penn in and by the said indentures. Which said order was the 25th of October 1701 entred in the Rolls Office at Philadelphia. It appears by the affidavit of Thomas Grey, who swears he lived in Pensylvania from the year 1699 to the year 1707, and that he made out and saw many patents or grants and warrants whereby considerable quantities of lands lying in the said three lower Counties which as he deposes are esteemed to belong to Pensylvania were granted to divers persons and their heirs some of which grants or warrants were signed by the sd. Wm. Penn, and the rest by his Agents or Commissioners, and all sealed with the seal of the said Province; and that he hath seen great improvemts. in building and planting by persons claiming under such grants. That many of the said inhabitants who were reputed to have settled upon lands in the said lower Counties by virtue of grants or patents, and warrants either from the Swedes or Dutch when the said Counties were in their hands respectively or from the Governor of New York under the said late Duke of York when the same was in his hands did upon making up their accounts of quit-rents due from them to the said William Penn for their lands accept new patents from the said

1717.

Wm. Penn or his Agents, and have since much increased their improvements thereof both in building and planting. That he hath seen patents or instruments for conveying lands in the said lower Counties to divers of ye ancient inhabitants thereof, as well from ye Swedes or Dutch as the Governors of New York under the sd. late Duke, as also Commissions under the hands of some one of the said Governors of New York constituting Magistrates and officers in the said lower Counties. That he believes that the Patents of lands in the said lower Counties granted by the said Governors of New York were registred at New York, and that if search were made in the Secry's Office there, the same would appear so to be. That he believes much the greatest part of the inhabitants of the said lower Counties, who have land there hold the same by title under Mr. Penn, and that several who hold land there by other title have delivered the same up and have accepted new grants from Mr. Penn. And it also appears by the affirmation of Robt. Hiscox a Quaker, that the Naval Store Company in Bristol have by their Agents made several purchases of the said Wm. Penn of 3120 acres of land in the County of Kent, and that the said Company hath expended for purchasing lands, building thereon and other improvements, and in carrying on their manufacture for raising hemp upwards of 2000*li.* and are by their articles obliged to lay out 5000*li.*, of which the said 2000*li.* is part, and that he expects in a short time the greater part of the remaining 3000*li.* will be laid out in the managemt. and carrying on the said manufacture, and that no benefit hath yet accrued to the said Company for ye mony so expended, and that he believes other purchases are already made for the use of the said Company. And as to the said Earl of Sutherland's objection, that the Duke of York in 1682, had no title to the lower Counties, and therefore those grants then made to Mr. Penn were void, which appears by a copy of a bill dated 13 April 1683 in order to be passed into a grant of the said three lower Counties to the said late Duke of York, which is after the grant by the Duke of York to the sd. Wm. Penn but never passed into a grant, and which bill recites a surrender of certain Letters Patents bearing date the 22nd of Mar. then last past, (which grant cannot be found) of the Town of Newcastle otherwise Delaware and Fort thereunto belonging, lying between Maryland and New Jersey in America. And several other lands, tenements and hereditaments therein mentioned the said late King Charles the Second for the consideratn. therein mentioned did grant to the said late Duke of York and his heirs all that the Town of Newcastle other wise called Delaware and Fort therein or thereunto belonging lying

1717.

between Maryland and New Jersey in America, and all that River called Delaware and soil thereof and all Islands in the said River and all that tract of land upon the West side of the river and bay of Delaware, which lyeth from Skoolkill Creek upon the said River unto Bombeys Hook and backwards into the woods so far as the Minquas country, and Bombay's Hook on the said River and Bay unto Cape Henlopen now called Cape James being the South point of a sea Warmet Inlet and backwards into the woods three Indian days journeys being formerly the claim or possession of the Dutch (or purchased by them of the natives) or which was by them first surrendered unto his said late Majesty's Lieut. Governor Col. Niccols, and which had been since surrendered unto Sir. Edmd. Andros Lieut. Governor of the said James Duke of York, and had for several years been in his possession, with the free use and continuance in, and passage into and out of all and singular ports, harbours, bays, rivers, isles and inlets belonging unto or leading to or from the said tract of land or any part or parcel thereof ; And the seas, bays and rivers and soil thereof bending eastward and southward on the sd. tract of land and all islands therein. And also all the soil, lands, fields, woods, underwoods, mountains, hills, fenns, swamps, isles, lakes, rivers, rivulets, bays and inlets, situate and being within the said tract of land, and any of the limits and bounds aforesaid ; together with all minerals quarries fishings, hawkings, huntings and fowlings, and all other royalties, privileges, proffits, commodities and hereditaments to the said town, fort, tract of land and premises, or to any or either of them belonging or appertaining with their and every of their appurtenances in America. And all his said late Majesty's estate, right, title, intrest, benefit, advantage, claim and demand whatsoever of in or to the sd. town, fort, tract of land and premises, or any part or parcel thereof, together with ye yearly and other rents, revenues and profits of the premises and of every part and parcel thereof. To hold to the sd. Duke of York and his heirs at and under the yearly rent of one beaver skin when demanded. On the behalf of Mr. Penn it is alledged ; That it is probable the said bill in 1683 might have been passed into a grant ; for that they produced from the Hanaper Office, where entries are made of grants that pass the Great Seal, a certificate of an entry in that Office in the words following, vizt : April the 6th 1683 A grant to James Duke of York of the Town of Newcastle als. Delaware, situate between Maryland and New Jersey in America to him and his heirs for ever, such entries not being made at the Hanaper Office but where Letters Patents do pass, which Patent might happen not to be enrolled, as it is not by the neglect of

1717.

the Six Clerk called the Riding clerk, whose business it was to see the same inrolled. And as to the objection, that if the same were inrolled, that the same is a title subsequent to ye grant to Mr. Penn, and that Mr. Penn appeared as Agent for the Crown against the Lord Baltimore, they do humbly insist that Mr. Penn having a grant then so lately from the said late Duke of York might make use of the name of the said Duke with his leave in trust for the said Mr. Penn and his heirs, which they the rather apprehend for that the possession was always suffered to remain with the said Wm. Penn. And that if the sd. grant was passed and the said grant was in trust for the said Wm. Penn, the same extinguished the said covenant of Mr. Penn for accounting in the grant made to him thereof. Besides in the said last grant to the Duke of York it is recited that the lands were formerly the claim and possession of the Dutch and had been surrendered unto the Lieut. Governor of the said Duke of York, and had for several years been in his possession, which might enable him to make the grants in 1682 to the sd. Mr. Penn. And on the behalf of the purchasers it has been insisted, that it would be very hard to put them to any trouble who have bought under ye title and enjoyment of Mr. Penn, and have laid out great sums of mony in improving their purchases. And as to the title claimed by the Lord Baltimore we are humbly of opinion that ye same has already received a full and a final determination. For that 31 May 1683 Richard Burk Gent. servant to Charles Ld. Baltimore praying that the sd. Bill of 1683 might not pass the Great Seal until his then Majesty should be satisfy'd of the extent of the Letters Patents formerly granted to Cecil Lord Baltimore; wherein the said town and adjacent country is alledged to be comprized, which said petition being referred to the then Lords Commissioners for Trade and Plantations on the 13th of Nov. 1685 their Lordships made their report, wherein they report that having examined the matters in difference between the Ld. Baltimore and Wm. Penn Esq. on behalf of his then Majesty concerning his tract of land called Delaware, they found the land intended to be granted to Lord Baltimore was only lands uncultivated and inhabited by savages, and that the tract of land then in dispute was inhabited and planted by Christns. at and before the date of the Lord Baltimore's Patent, as it had ever since to that time and continued as a distinct Colony from Maryland. So that their Lordships humbly offered their opinion that for avoiding further differences the tract of land lying between the River and the Eastern Sea on the one side and Cheasapeak Bay on the other be divided into equal parts by a line from the latitude of Cape Hinlopen to the

1717.

40 degree of Northern latitude, and that one half thereof lying towards the Bay of Delaware and the Eastern Sea be adjudged to belong to H.M., and the other half to Lord Baltimore. Which report his then Majesty was pleased to approve of, and to order the said lands to be divided accordingly and the Lord Baltimore and Wm. Penn required to yield due obedience thereunto, which Rept. was also confirmed 22nd June 1709 by her late Majesty Queen Ann in Council, however this petition is a very great argument, that the Bill of 1683 to the late Duke of York never passed the Great Seal as on Mr. Penn's behalf is supposed for that it being stopt as must be presumed in that petition or grant after that matter settled which was in 1685 in the reign of the sd. Duke when King of England, could not pass the Great Seal in the name of King Charles to the Duke of York then being King of England but the entry in the Hanaper Office might have been made when the Privy Seal was brought to the Great Seal to be passed into a grant. On the whole matter we humbly submit it to your Majesty's consideration whether it will not be reasonable that your Majesty's title should be established by ye Court of Chancery before any grant should be made of the premises. And if any grant should be made we most humbly submit it to your Majesty, whether the claims of purchasers or grantees under Mr. Penn who have improved part of the said three lower Counties should not be established ; But if Mr. Penn should have a title to the three lower Counties by virtue of ye two grants made to him by the late King James in 1682, when Duke of York we have not received any answer why he should not account according to his Covenant in the last of the said deeds for the moiety of the rents, issues and profits raised by virtue of that grant.
Signed and endorsed as preceding. 14½ pp.

177. ii. Duplicate of C.S.P., 1716-17, No. 434.

177. iii. Duplicate of C.S.P., 1716-17, No. 434 i. [*C.O.* 5, 1265. Nos. 83, 83 i. (*without* Nos. ii., iii.) ; and (*without enclosures*) 5, 1293. p. 127 ; and (*enclosures only*) 5, 1233. Nos. 57, 57 i., ii.]

Oct. 31.
Hampton
Court.

178. Order of King in Council. Referring following to the Council of Trade and Plantations for their report. *Signed*, Robert Hales. *Endorsed*, Recd. 5th, Read 6th Nov., 1717. 1¼ pp. *Enclosed*,

178. i. Petition of the Court of Directors of the South Sea Company to the King in Council. *Pray* H.M. to disannull the Act of Jamaica, 1716, and any future Act of Jamaica imposing a duty upon negroes brought in and exported by the Company, *etc.* *Signed*, Ja. Bateman, Sub. Governor, Saml. Shepheard, Deputie. *Copy.* 3½ pp. *Enclosed*,

1717.

178. ii. Copy of petition of the South Sea Company, C.S.P. 1716, No. 67 i. [*C.O.* 137, 12. Nos. 92, 92 i., ii.; and 138, 15. pp. 510-517.]

Oct. 31
Hampton
Court.

179. H.M. Warrant granting a free pardon to Rebecca Curl of Barbados (*v.* 25th May, 1717). *Countersigned*, J. Addison. [*C.O.* 324, 33. pp. 108, 109.]

Oct. 31.
Hampton
Court.

180. H.M. Commission to Thos. Bernard to act as Lt. Governor of Jamaica in case of the death or absence of Governor Sr. Nicholas Lawes. *Countersigned*, J. Addison. [*C.O.* 324, 33. pp. 109, 110.]

Nov. 4.
London.

181. Sir. N. Lawes to the Council of Trade and Plantations. I know not how to answer your commands better then by reciteing part of a letter wrote to me from Jamaica viz :—" I repeat my earnest desire, that you would use the most pressing instances with the Ministers, that they would take some methods for supporting the Government, and saving the Island, which daily sinks in its people, while our wiser neighbours are increasing : And we are such stupid and mercenary wretches to give them all the assistance we can ; for our own undoing, by furnishing them with all materials for sugar works. Very lately a French man came from Hispaniola, and bought all the lead, and mill work in the Island, so that several people were forced to stop work, till more came in the London ships. The trade is now grown bare-faced. They bring in sugars as well as indigo. There are now at North side three ships from London, under pretence of loading there, which is in truth not able to load one ship ; but we are assured they go home freighted with French sugar, and indigo : Besides the French have raised our bitts i.e. 7½d. to 10d. pr. bitt ; by which we shall soon be stript of all our currant money : for Gods sake endeavour to put a stop to it. The ship *Tanner* frigate (Benham, master) unloaded at Port Royal went empty up to Hispaniola, and there took in her loading for France where she now is."

And now my Lords I beg to state some questions upon H.M. late Proclamation for suppressing of pyrates. (i.) Whether the Proclamation is a full and sufficient pardon to any persons, who may have committed pyracies and robberies upon the High Seas in America within the time therein mentioned ; or if not what steps must be taken to obtain it of the Govrs. in America ? (ii.) Whether by this Proclamation murders committed by such pirates are pardoned ? (iii.) Whether the persons who have committed any robberies, or pyracies, or any others by that title can hold the monys and effects they may be so possess of, and not liable to be prosecuted for them ? (iv.) Whether if any persons having notice of this Proclamation should between such notice, and the fifth of January next committ any pyracies or robberies are intituled to the benefitt of it ? *etc.* I am informed more than 20 laws (most of the present Governor and Assembly) are now before your Honors. for H.M. approbation. *Prays for their*

1717.

decisions and that he may be given their reasons if they require amending etc. Signed, Nicholas Lawes. Endorsed, Recd. 4th, Read 7th Nov., 1717. 1 $\frac{3}{4}$ pp. Enclosed,

181. i. Reasons for not calling an Assembly [*? by that part of the Council which dissented*]. *No signature. 1 p. [C.O. 137, 12. Nos. 93, 93 i., ; and 138, 15. pp. 518-524.]*

Nov. 6.
Whitehall.

182. Mr. Popple to John Ury, Secry. to the South Sea Company. The Council of Trade and Plantations desire to know what proof the Directors have that the duty *referred to* Oct. 31st, has been paid for the negroes who are only put into Jamaica for refreshment and what objections the Company have to the paying of the duties upon the exportation of negros bought in that Island as the inhabitants there do. [*C.O. 138, 15. pp. 517, 518.*]

Nov. 6.

183. Richard Shelton to Mr. Popple. The Lords Proprietors of the Bahama Islands (viz.) four of them Mr. Ashley, for himselfe and the Lord Carteret Ld. Berkley and Sr. Jno. Colleton, have executed a surrender of their right to ye civil and military Governmt. of those Islands to H.M. (*v. 28th Oct.*) and also have executed a lease to Capt. Roger for one and twenty years of all their remaining rights and interest in the said Islands. Both which instruments are witnessed by me etc. and are word for word the same as Capt. Rogers prepared them. The reason that induced the Lords Proprietors to surrender their Governmt. was, the great desire they had to have ye Bahama Islands resettled ; and upon that account have commanded me not to deliver the two deeds as theirs, till Capt. Rogers has his Comission signed by H.M. Capt. Rogers has seen the deeds legally executed by the four Proprietors and tells me he will give you a copy of the surrender. *Signed, Ri. Shelton. Endorsed, Recd., Read 6th Nov., 1717. Addressed. 1 p. [C.O. 5, 1265. No. 81 ; and 5, 1293. pp. 114-115.]*

Nov. 6.
Whitehall.

184. Mr. Popple to Mr. Shelton. *In reply to preceding*, the Lords Commrs. for Trade etc. being authorized by H.M. to receive the surrender of the Lords Proprietors of the Bahama Islands, they do not see how they can present a Commission to be signed for H.M. for Cap. Rogers to be Govr., till they are in possession of the said surrender : For the preamble of the Commission is to declare (according to the usual form) that the Lords Proprietors have actually surrender'd to H.M., which cannot be done till the surrender is in the hands of those authorized by H.M. to receive it. You'll please to acquaint the Lords Proprietors with this. [*C.O. 5, 1293. p. 128.*]

Nov. 6.
Annapolis
Royal.

185. Capt. Doucett, Lt. Govr. of Annapolis Royal, to the Council of Trade and Plantations. Being so much prest in time after I receiv'd my Commission etc., I was obleidged to depart without waiting on your Lordships for your instructions etc. Soon after my arrival I was inform'd ye French inhabitants have never yett acknowledged H.M., upon which I summons'd those

1717.

that live in this neighborhood to signe the inclosed paper and told them how much they stood in their own light, and how dangerous it was to trifle wth. so great a monarch, also declared I could by no means suffer any of their vessells to pass this Fort to fish or trade on this coast without they became subjects, to H.M., and that assoon as they should become such they might expect the same liberty as the English, to which they deliver'd the paper *enclosed*. But since find severall inclin'd to signe rather then loose the profit the[y] reap in the fishing season, which begins here in spring and lasts till the winter, so that I expect as the spring approaches, if advantage can bias them more then their preists, some (if not all) will declare themselves subjects to H.M. Tho' att present most of them give out that they designe to leave this part of the country in the spring, and to settle on the other side of the Bay of Fundy about Passmaquady, where they fancy themselves secure and that there no notice would be taken off them, tho' it is still in H.M. Dominions. But it seems this has been their declaration every winter for five or six years past so that wee doe not give much credit to it. As to what they take notice on in their answer concerning their dread of the Indians, I am farr from beleiving what they say. For to my knowledge if an Indian is att any time insolent in their houses, they not only turn them out, but beat them very severely, therefore since they doe not revenge themselves on 'em for such useage is my reason of objection to what they alledge should they become subjects to H.M.; but rather beleive, that if the French dared deal ingeniously, they would tell us, they fear'd their preists much more then the indians, who are continually doeing all in their power to prevent an English settlement in this Country; and who att this time have spread over the country some of their forged intellegency's, and report that a preist about 30 leagues from hence has receiv'd a letter from his correspondent in France, in which he pretends to have an account that this country is to be given back into the hands of the French, with the circumstance's following. That the Pretender was again landed in Scotland; and that King George sent for 10,000 French from the Regent to assist him, which troop's soon after they landed in England, they all declar'd for the Pretender and that they had establisht him upon the Throne of Great Brittain, and that for the service those men had done him, he intended to give to the French, all they should ask for, therefore 'twas not to be doubted but that this country would be included in their requests. This dismall story I hope your Lordships will not think me impertinent to trouble you with, For from it I hope your Lordships will take some method to convince these people that their preists are fallible. I therefore humbly move your Lordships that if an order could be procured to be sent from France to the Govrs. of Canada and Cape Bretton, that they should surpress and severely punish any Indian or other's the French who shall insult the people of Nova Scotia or L'Acadie that live under the protection of H.M. King George and that a copy of such orders be sent to this Garrison from the said Govers, to be

1717.

publisht amongst the people of this country, it would be a great mean's to bring them to be subjects to H.M., and destroy all reasons they could alledge to trifle any longer, *etc.* John Doucett. *Endorsed, Recd., Read 22nd May, 1718. Holograph. 4 pp. Enclosed,*

185. i. Copy of declaration of allegiance to King George, sent by Lt. Governor Doucett to the French Inhabitants of Nova Scotia for their signature. *Same endorsement. 1 p.*

185. ii. French inhabitants to Lt. Governor Doucett. *Reply to preceding.* We shall be ready to comply as soon as H.M. has found means to protect us from the savage nations who have killed and plundered several French and English settlers since the Peace. By taking the oath required we should expose ourselves to be murdered by them. We are ready to take oath not to take up arms against France or England. *76 Signatures. Same endorsement. French. 2½ pp. [C.O. 217, 2. Nos. 47, 47 i., ii.; and (without enclosures) 218, 1. pp. 350-355.]*

Nov. 7.
Whitehall.

186. Council of Trade and Plantations to Mr. Secretary Addison. *Refer to report of Mr. Attorney and Mr. Solicitor General upon Lord Sutherland's petition (v. Oct. 28), etc. Conclude:* Finding the sd. report to consist of matters of right and law, we have nothing farther to offer upon it. *[C.O. 5, 1293. p. 129.]*

Nov. 7.

187. Mr. Popple to Mr. Attorney and Mr. Solicitor General. The Council of Trade and Plantations haveing received some queries relating to the late Proclamation for suppressing of pirates, send you a copy thereof, and desire your answers thereto as soon as possible, that they may be the better able to instruct the several Governments of the Plantations how to govern themselves in case any pirates should surrender on the faith of this H.M. Proclamation. *Annexed,*

187. i. Quere. i. Whether the Proclamation is a full and sufficient pardon to any persons who may have committed piracies and robberies upon the high seas in America within the time therein mentioned, or if not what steps must be taken to obtain it of the Govrs. in America.

187. ii. Whether by this Proclamation murders committed by such pirates are pardoned.

187. iii. Whether the persons who have committed any robberies, or piracies, or any others by that title can hold the monies and effects they may be so possessed of, and not lyable to be prosecuted for them.

187. iv. Whether if any persons having notice of this Proclamation, should between such notice and Jan. 5th next commit any piracies or robberies are intituled to the benefit of it. *[C.O. 324, 10. pp. 146, 147.]*

1717.

Nov. 7. **188.** Messrs. Tilden and Mayne to Mr. Popple. Enclose receipt for seals etc., Oct. 15. *Signed*, Rich. Tilden, Jos. Mayne. *Endorsed*, Recd., Read 8th Nov., 1717. *Addressed*. *Postmark*. $\frac{1}{2}$ p. [C.O. 28, 15. No. 22].

Nov. 7. **189.** Council of Trade and Plantations to Mr. Secretary Whitehall. Addison. Sr. N. Lawes has communicated to us the extract of a letter wch. he has lately receiv'd from Jamaica, relating to a trade carry'd on between that Island and Hispaniola (a copy whereof is inclos'd) Upon which we must observe, that this trade ought as much as possible to be discourag'd and prevented. There is an Act lately pass'd in that Island, to prevent all fraudulent trade to Hispaniola and other foreign parts, which Act we have not laid before H.M. for confirmation by reason it takes away the King's power of granting a noli prosequi, nor have we been willing to propose the rejecting it upon this account, because the Act is in generall usefull and necessary; But we have chose to let it remain as it is, till Sr. N. Lawes arrives at his Governmt. and has had an opportunity to get another Act pass'd, wch. may not be liable to the aforesaid objection about the noli prosequi and may answer yet more effectually than this Act dos, the end of preventing the fraudulent and pernicious trade to Hispaniola. We have accordingly recommended to Sr. N. Lawes to get such an Act pass'd; and we think this a proper opportunity to observe to you the necessity of Sir N. Lawes being dispatch'd to his Government as soon as possible. We take likewise this occasion to inform you that on the 23rd of the last month, we laid a report before H.M. in Council upon sevl. Jamaica Acts, and that we are of opinion it is necessary H.M. pleasure shou'd be declar'd thereupon before Sir N. Lawes gos from hence. [C.O. 138, 16. pp. 1, 2.]

Nov. 8. **190.** Daniel Wescomb to Mr. Popple. Acknowledges letter South Sea House. of Nov. 6 addressed to Mr. Ury etc. *Signed*, Daniel Wescomb. *Endorsed*, Recd. 9th, Read 12th Nov. 1717. 1 p. [C.O. 137, 12. No. 94; and 138, 16. p.3.]

[Nov. 8.] **191.** Objections of parishioners of St. Philip to an Act of Antego to indemnify Anthony Brown etc. *Endorsed*, Recd. [from (John) Marsh, Solicitor] 8th Nov., 1717, Read 29th Jan., 1720. 3 large pp. [C.O. 152, 13. ff. 3-5.]

[Nov. 8.] **192.** Church Wardens and Vestry of the Parish of St. Philip in Antigua to the Bishop of London. Objections to Act as preceding. *Signed*, Benjamin Wickham, Thomas Elmes, Churchwardens. Jos. Ledcatt, James Apres, William Painter, Wm. Steele Senr., Timo. Singin, Samuel Mayer, Jno. Barnard. *Endorsed as preceding*. $1\frac{3}{4}$ pp. [C.O. 152, 13. ff. 6, 7.]

Nov. 9. **193.** Governor Shute to the Council of Trade and Plantations. Boston. I am favoured with yours of the 4th of August last and have issued out Proclamations to prohibit the illegal trade, that has

1717.

been carried on, between H.M. Plantations and the French settlements in America, both the Provinces of the Massachusetts Bay and New Hampshire : and have sent your Lordps.' enclosed orders to the Governments of Rhode Island, and Connecticut. *Replies to enquiries made in their Lordships' said letter (quoted) :—* These Provinces are indeed very much indebted occasioned by a long and expensive war with the Indians, and are endeavouring to get out of that debt as fast as possible. I have also since I have been here visited the Forts in both Provinces and have found some of them in a very ill state of defence, and shall use my best endeavours to persuade the Governments in a little time to put them in a better posture. As to the Revenues of both Governments and how they do arrise your Lordps. may see in Mr. Blaithwait's Office who is Auditor General of the Plantations, where they have been yearly transmitted. These accompts before they are sent over are laid before the whole Council and Assembly, where any Member has liberty to peruse the same. and are afterwards audited by a Deputy Auditor appointed by the Auditor General. After which they are sent to his Office in England. I have endeavoured to get the exact numbers of white men able to bear arms in both Provinces, but can't as yet get them compleated, but will send them as soon as they are perfectly finished. Your Lordps. are pleas'd to enquire what methodes can be proposed for the better peopling and advancing the intrest of these Provinces. According to the best observation I have been able to make in the little time I have been here, I am of opinion that if 40 shillings pr. head shou'd be allowed for the encouragement of masters of ships for the transportation of persons from 16 to 40 years of age that it wou'd be of great service to these Provinces : labour being very dear by reason of the scarcity of hands. I wou'd also beg leave to observe to your Lordps. that the import of these Provinces is so vastly different from the export, that if some method is not taken to assist them that instead of their becoming a flourishing country they will fall into decay for here is nothing but paper money stirring and that falling every day in it's value. I shou'd also hope that if the dutys were taken off our lumber it wou'd be of great help as will also the incouragement of Naval Stores, which I will use my best arguments to persuade them to raise. As to the stores of war and their several species, they are once a year sent to the board of Ordnance as is usual and I have herewith sent duplicates as your Lordps. desire. Since I writ last I have been in the *Squirrel* man of war at Arowsick which lyes upon the River of Kennebec where I met a great number of the Eastern Indians who have ratified and confirmed all former Treatys and entred into some new on's, which I hope will tend to the honr. of the King my Master and the quiet and peace of these Provinces : What passed in that Interview is printing, which when finished I shall transmit to your Lordps. The eight pirates which have been so long in prison here have been try'd by a special Court of Admiralty, and six of them were found guilty of piracy etc. and have received sentence of death and are to be executed on

1717.

Wednesday the 13th currt. I am very glad of this opportunity to assure this Honble. Board, that I will constantly send an accompt of all the remarkable affairs that shall happen in relation to these Provinces ; as also to return your Lordps. my thanks four your promising to support and assist me *etc.* *Signed*, Samll. Shute. *Endorsed*, Recd., 21st Jan., Read 24th Feb., 17¹⁷/₁₈. 3 pp. *Enclosed*,

193. i. Account of stores of war expended at Castle William, Boston, 11th Oct., 1716–24th June, 1717. *Same endorsement.* 1 p.

193. ii. Account of stores of war at Castle William, 24th June, 1717. *Same endorsement.* 1 p.

193. iii. Account of stores of war in New Hampshire, 24th June, 1715–1716. *Same endorsement.* 2 pp. [C.O. 5, 866. Nos. 137, 137 i.–iii.; and (without enclosures) 5, 915. pp. 82–87.]

Nov. 9.
N. York.

194. Governor Hunter to Mr. Pople. I have had the pleasure of but one of yours of a long while *etc.* *Refers the Board to Mr. Philips etc.* I believe their Losps. are convinc'd by this time of taking some effectual and speedy course to put a stop to the seditious practices of Cox and his Agents, *etc.*, or they may lay their account with hearing of confusion in that poor countrey soon after my departure. I have wrote several times for Councillors for the Jerseys, there are two more lately dead viz.: Elisha Parker and John Reading. In the room of the former I beg leave to recommend his son John Parker a very sober honest sensible young man and of a considerable estate. In the room of ye later Peter Fretwell a man of very good abilitys and estate though a sort of a Quaker. If I am under a necessity of holding an Assembly in ye Jerseys this winter I must make use of ye power given me by my patent and Instructions. For all ye Councelors now alive are these Lewis Morris living in York, Thomas Gordon aged and infirm, John Anderson, Th. Byerley in York and paralitical, John Hamilton Post Mr. Genll. David Lyal remov'd to York. I have formerly and beg again to recommend for ye Eastern Division John Read, John Parker, Adam Hudd, for ye Western Peter Fretwell, Joshua Wells. The Assembly here is still sitting and will continue so at least a fortnight being taken up in putting a finishing hand to a bill for payment of the remainder of publick debts, which by reason of ye absence of ye claimants then under age or other causes were omitted in ye former, I hope their Losps. will receive no suggestions against it or ill impression of it till they see't, I say this because angry men have threatned that they'll have it damn'd before 'tis pass'd. I'm sure I shall not passe it if I do not think it reasonable and just, by the next conveyance you'll have all, Adieu I am from the bottom of my heart Yours *Signed*, Ro. Hunter. *Endorsed*, Recd. 30th Dec., 1717, Read 27th Jan., 17¹⁷/₁₈. *Holograph.* 4 pp. [C.O. 5, 971. No. 66; and 5, 995. pp. 423–425.]

1717.

Nov. 11.
Whitehall.

195. Council of Trade and Plantations to Mr. Secretary Methuen. Our Secretary having received a letter from Brigadier Hunter relating to the designs of Mr. Cox, *etc.* to blacken his reputation here, we send you a copy of the said letter and of one from Mr. Cox, referred to in it, (*v.* Nov. 16, 1716) that you may see what indirect measures are taken to make H.M. Governors uneasy in the Plantations. [*C.O.* 5, 995. *pp.* 332, 333.]

[Nov. 11.]

196. Sir N. Lawes to the Council of Trade and Plantations. Jamaica is 70 times bigger than Barbados, and capable to entertain 20 times more inhabitants. There is room for 100,000 families more than are now upon that Island who may produce in planting sugar, indigo, cotton, logwood, peimonto *etc.* £1000 a year one with another. Planting is the mother of trade, and negros the support of planting. Negroes are very dear, from £25 to £40 *pr.* head, little or no credit will be given to new settlers, without wch. the country can never increase in Planters, tho' the present possessors may in riches. The Assiento carrys all the able, stout and young negros, or such as they call *peic'd* India to the Spaniards and sell none to the Planters but old sickly and decrepid, or what are call'd *Refuse*; if a choice negro is sold to a Planter, he might give as much or more than the Spaniard and that in ready mony. The produce of one able negro's labour in planting is not less, often more than one hhd. of sugar yearly *etc.* The freight for one hhd. is £2 10s. 0d. Duty to the Crown £3. Commission *etc.* £1 10s. 0d. Clear of all charges to the importer, £15. The Assiento 'tis supposed may sell such a negro to the Spaniard for £40 in *ps.* $\frac{8}{9}$ and there is an end of that profit to the Nation for ever. The Assiento is in the Crown of Spain, and the South Sea Company exclusive of all others. The Company assign great advantages (as they are pleased to say) accruing to Jamaica; by ordering their ships from Guinea to touch at the port of Jamaica, and there to sell such negros as are not proper for the Spaniards, clean their ships, and buy provisions, and refreshments to carry them to the Spanish ports; this favour (they say) encourages many ships to come from North America with provision to Jamaica, for the market made there by the Assiento. This number of ships lowers the freight of goods from Jamaica to England. If the Government will not ease them of the tax laid upon negros exported they resolve to direct their ships to some other port *etc.* But this duty of 20s. *per* head was laid by the Assembly many years before the South Sea Company had the Assiento, and is to be paid by all H.M. subjects. It may be concluded that the Company orders their ships to Jamaica as being the most convenient port. They can well afford to pay that easie duty, which is not half so much as their factors gain by them. But if they cannot afford to pay the duty out of the profits of the Assiento, then it may be supposed the negros employed on our Plantations are of greater advantage to this Kingdome, than selling them to the Spaniard. *Endorsed*, Recd. 11th, Read 21st Nov., 1717: $2\frac{3}{4}$ *pp.* [*C.O.* 137, 12. No. 99; and 138, 16. *pp.* 12-18.]

1717.

Nov. 12. **197.** Copy of two clauses of an Act of Pensilvania of 1711 for raising £2000 for the Queen's use, and of a Minute of Council, Philadelphia, 12th Nov., 1717, directing the said £2000 to be paid to Lt. Governor William Keith. 1 p. [C.O. 5, 1233. No. 58.]

Nov. 12. **198.** Jacob Wachter to Mr. Popple. Mrs. Lowe answers that tis impossible for her to attend the board to-morrow, she having lost her place in ye Gloucester Coach *etc.* Signed, Jacob Wachter. Endorsed, Recd. 12th Nov., 1717. Addressed. 1 p. [C.O. 5, 866. No. 127.]

Nov. 13. **199.** Mr. Popple to Mr. Attorney General. Encloses three Acts of New York for his opinion in point of law as soon as conveniently he can:—(i) *for levying several duties, June, 1714*; (ii) *for granting a supply to H.M. for supporting his government of New York, and for striking bills of credit for that purpose, July, 1715*; and *to oblige all vessels trading into this Colony except such as are therein excepted to pay a certain duty etc.* Concludes:—The first of 'em is expired and is only sent you because the other two refer to it *etc.* Their Lordships being now about to print the New York Acts, cannot go on with them till they know your opinion. [C.O. 5, 1123. p. 457.]

Nov. 13. **200.** Agents for the Leeward Islands to the Council of Trade and Plantations. Refer to previous correspondence relating to stores of war for the Leeward Islands, June, 1716 *etc.* Continue: Nothing further has been done in this matter. By the freshest and repeated advices from those parts, it appears that the present state of those Islands makes the supply of those stores still more and more necessary for their defence. The 4½ p.c. was given by these Islands for erecting and repairing fortifications and providing them with other necessary's for their defence. The said revenue has for some time been applied to the Civil List. This lays the said Islands under the necessity of applying to the Crown. Pray their Lordships to represent the matter to H.M., that the Islands may be supplied according to the demands of the Governour with all possible dispatch. Signed, Jos. Jory, Ste. Duport, Will. Nivine. Endorsed, Recd., Read 13th Nov., 1717. 1 p. [C.O. 152, 12. No. 51; and 153, 13. pp. 158–160.]

Nov. 14. **201.** Mr. Attorney and Mr. Solicitor General to the Council of Trade and Plantations. Reply to Nov. 7. We are of opinion (i) that the Proclamation does not contain a pardon of piracy but only H.M. gracious promise to grant pyrates such pardon on the terms mentioned, on which every subject may safely rely. But that it will be reasonable for H.M. to give Instructions to his Governors in America to grant the persons surrendring themselves according to the terms of such proclamation H.M. most gracious pardon for pyracies and robberies on the High Seas. (2) That where the murther is comitted in the piracy, it was H.M. intention to pardon the murther so committed, and therefore it

1717.

may be reasonable in the Instructions to H.M. Governors to direct them to insert in the pardons by them to be passed of the piracies and robberies committed on the High Seas a pardon of all murders committed in the same. (3) That as to the proper goods of the pyrates, they being pardoned, the same will not be forfeited, but they may retain them to their own use. But as to the goods of other persons which they have taken unlawfully from them, the property thereof by such taking is not altered, but the owners, notwithstanding any pardon, may retake them, or they may recover the same by an action to be brought agt. the robbers for the same. (4) That there is no notice of any exception in the proclamation, and H.M. has been pleased to give his Royall promise, which he will never break, to pardon pirates surrendering themselves all pyracies committed or to be committed before the said fifth day of January, and for preventing the mischeifs hinted at in this query H.M. Officers are to be diligent in apprehending all pyrates, for H.M. has not been pleased to promise pardon to any pyrates but such as surrender voluntarily according to the terms of the proclamation. *Signed*, Edw. Northey, Wm. Thomson. *Endorsed*, Recd. 15th, Read 16th Nov., 1717. $2\frac{1}{2}$ pp. *Enclosed*,

201. i. Copy of queries, Nos. 187 i-iv. 1 p. [*C.O.* 323, 7. *Nos.* 114, 114 i.; and (*without enclosure*) 324, 10. pp. 148-150.]

Nov. 14.
Whitehall.

202. Mr. Popple to Mr. Lowndes, Secretary to the Lords of the Treasury. *Encloses* copies of correspondence relating to stores of war for the Leeward Islands, 22nd June and 14th Dec., 1716, and 22nd Feb., and 13th Nov., 1717. Whereby the Lords Commissioners of the Treasury will see the necessity their Lordps. of Trade apprehend there is for supplying those Islands *etc.* [*C.O.* 152, 12. pp. 161, 162.]

Nov. 14.
St. James's.

203. Order of King in Council. Referring following to the Council of Trade and Plantations for their report. *Signed*, Robert Hales. *Endorsed*, Recd. 19th, Read 20th Nov., 1717. 1 p. *Enclosed*,

203. i. Petition of Christopher Stoddard to the King. Prays to be reinstated in his plantation in St. Christophers *as Aug.* 15, *q.v.* *Copy.* $2\frac{1}{4}$ pp. [*C.O.* 152, 12. *Nos.* 56, 56 i.; and 153, 13. pp. 174-179.]

Nov. 14.
Treary.
Chambers.

204. Charles Stanhope to Mr. Popple. The Lords Commrs. of the Treasury desire an explanation of the 13th condition proposed for the sale of lands in St. Christophers (*v.* 16th Oct.). *Signed*, C. Stanhope. *Endorsed*, Recd., Read 15th Nov., 1717. *Addressed.* 1 p. [*C.O.* 152, 12. *No.* 52; and 153, 13. p. 161.]

Nov. 15.
Whitehall.

205. Mr. Popple to Mr. Stanhope, Secy. to the Lords of the Treasury. *Reply to preceding.* The intention of the Council of Trade and Plantations in the said Article and the preceding one, was to give encouragement to any person that might be dis-

1717.

posed to become a general purchaser of all the said lands, wherein their Lordships had a more especial regard to a certain proposal for that purpose, laid before them by one Mr. Mills since deceased, and by them transmitted to the Lords of the Treasury, wherein he did offer to retale the said lands again upon an average for the same price by him paid to the publick, reserving only to himself a profit upon the retale of each acre in consideration of his charge and trouble. And as their Lordships did conceive this part of Mr. Mills's proposal to have been very just, and reasonable, they did in great measure copy after it, with this difference only, that whereas the said Mills did fix a certain profit for himself upon each acre retaled, the Lords Commissioners of Trade thought it more proper to leave that profit to be determined by the Lords of the Treasury, when they should treat upon this subject, with any general purchaser. [C.O. 153, 13. pp. 162-164.]

Nov. 15.
South Sea
House.

206. Daniel Wescomb to Mr. Popple. *Reply to Nov. 6th.* (i.) Encloses following. (ii.) Refers to petition of the South Sea Company, shewing the advantages derived by Jamaica from their ships touching there *etc.* *Concludes* : Besides which the Company conceive it to be contrary to the practice of all Nations, where goods are imported duty free to burthen 'em upon their re-exportation, and they can't but deem this duty to be an infringement upon the Assiento contract, in which H.M. and the King of Spain are parties ; that after a contract has been entred into for 30 years, that Trade shou'd be burthen'd with new duties, and may occasion a misunderstanding with the King of Spain, and be of ill consequence, *etc.* *Signed*, Daniel Wescomb. *Endorsed*, Recd. 15th, Read 21st Nov., 1717. $1\frac{1}{2}$ pp. *Enclosed*.

206. i. Extracts of letters from Messrs. Thompson, Pratter and Haselwood, Agents of the South Sea Company at Jamaica, to the Court of Directors, Feb.-Aug. 1717. *Complain* of the levying of the tax on re-exported negroes, and fear the Assembly will lay a higher one, thinking it an easy way of raising money. The only way to prevent them imposing what duties they please on the Company will be an Act of Parliament or H.M. Instruction to the Govr. that no Act wherein their interest is concerned shall be in force till his Royal pleasure be known. 3 pp.

206. ii. Account of negroes sent to the Spanish West Indies on account of the Assiento from Jamaica, 8th Oct., 1716. *Totals* :—Bought in Jamaica 349. Re-exported, 1248. $1\frac{3}{4}$ pp. [C.O. 137, 12. Nos. 100, 100 i., ii. ; and (without enclosures) 138, 16. pp. 18-21.]

Nov. 15.
London.

207. Col. Blakiston to Mr. Popple. Prays for a copy of the Council of Virginia's complaint as to the Court of Oyer and Terminer *etc.* (v. May 4th), that it may be transmitted to Lt. Governor Spotswood to answer, "besides my Lord Orkny is desirous to know what allegations ye Council have urged against

1717.

it" etc. *Signed*, N. Blakiston. *Endorsed*, Recd., Read 15th Nov., 1717. *Addressed. Holograph.* 1 p. [*C.O.* 5, 1318. *No.* 31.]

[Nov. 16.] **208.** Mr. Byrd to the Council of Trade and Plantations. Further arguments in support of Oct. 16. *Signed*, W. Byrd. *Endorsed*, Recd., Read 16th Nov., 1717. 1 p. [*C.O.* 5, 1318. *No.* 32.]

[Nov. 16.] **209.** A scheme setting forth how the Council of Virginia stand related to one another. Phillip Ludwell married a sister of Nathaniel Harrison, and James Blair a sister of Harrison now dead. William Byrd *m.* Mr. Ludwell's niece now dead. William Basset *m.* Ludwell's half-niece, Edmund Berkley Ludwell's half-niece now dead. The remaining six Councillors not related to any of the Council. *Endorsed*, Recd. (from Mr. Byrd), Read 16th Nov., 1717. $\frac{3}{4}$ p. [*C.O.* 5, 1318. *No.* 33.]

[Nov. 18.] **210.** Joseph Micklethwaite, Thomas Reynolds and Anthony Cracherode to the Council of Trade and Plantations. H.M. having been graciously pleased to constitute petitioners Secretary, Provost Martial and Registrar in Chancery of Barbados by three several patents, they desire the repeal of some old laws of the Island relating to their offices. By the said laws they are liable to forfeit their offices, be grievously fined and imprisoned without bail or mainprize, and declared incapable of ever serving again in any office, and the King's Patent sett aside, without a fair tryal thereupon to be had in any Court of Judicature; and all this upon the oath of one single witness, before one J.P., that any of their clerks or servants have taken a larger fee on any account whatsoever, than is expressed in the said Acts, and for the encouragement of any person to informe against them, he is to receive one half of the fine which goes as farr as 10,000 lb. of sugar. These laws are not agreeable to the Instruction to Governors that the laws to be passed there are to be as conformable as possible to the Laws of England etc. The fees now taken by their deputies are reasonable and much smaller than the fees of Jamaica confirmed by a law of 1711, and they have no salaries, etc. *Signed*, Jo. Micklethwaite, Tho. Reynolds, A. Cracherode. *Endorsed*, Recd., Read 18th Nov., 1717. $1\frac{3}{4}$ pp. [*C.O.* 28, 15. *No.* 23; and 29, 13. pp. 426-428.]

Nov. 18. **211.** Council of Trade and Plantations to Mr. Secretary Whitehal. Addison. *Enclose* the Attorney and Solicitor General's report (Nov. 14) relating to the Proclamation for suppressing of pirates, and desire H.M. pleasure concerning the Instructions which Mr. Attorney and Mr. Sollicitor are of opinion, may be reasonable for H.M. to give to his several Governors in America upon this occasion. [*C.O.* 324, 10. p. 151.]

Nov. 18. **212.** Mr. Popple to Governor Lowther. The Council of Whitehall. Trade and Plantations having received from Barbado's an Act

1717.

to confirm and make more effectual certain deeds etc. between H.E. Robert Lowther and the Right Honble. Cath. Viscountess Lonsdale and James Lowther *etc.*, past the 16th of March last, they acquaint you therewith, to know if you have anything to offer for or against the said Act. [C.O. 29, 13. p. 436.]

Nov. 19.
Whitehall.

213. *Same* to Mr. Attorney General. *Encloses* papers relating to the dispute between the Governor and Council of Virginia concerning the power of naming Judges in Commissions of Oyer and Terminer. (*v. Aug.* 29). *Continues*: The Council of Trade and Plantations desire your opinion upon the Queries inclos'd. (i.) Whether the power granted by H.M. Commission to his Governour for appointing Commissions of Oyer and Terminer in cases of life and limb, be contrary to the Charter or Laws of Virginia? (ii.) Whether by the said Charter or Laws the King is precluded from empowering any other persons to be Judges in *said* Commissions in conjunction with the Members of H.M. Council there for the time being? (iii.) Whether H.M. may by Commission appoint Judges in like cases entirely exclusive of the Council? [C.O. 5, 1365. pp. 16-18.]

Nov. 19.
Whitehall.

214. *Same* to Mr. Stanhope. Since 16th Oct. (*q.v.*), the Council of Trade and Plantations have received another letter from Genl. Hamilton of the 26th Aug. (extract enclosed), whereby it appears that the poor inhabitants are actually gone from Anguilla to settle on Crab Island; And that General Hamilton apprehends the poor inhabitants in other Islands may be induced to do the same. I am commanded to desire you will lay the matter before my Lords of the Treasury, to know of their Lordships, what hopes Genl. Hamilton may give to these people, that care will be taken of them whenever the French part of St. Christophers is disposed of. The Lords Commissioners of Trade think it is of great consequence to hinder, as much as possible, these people from dispersing themselves in different small settlements, or removing as it is to be feared they may at last do, to some foreign Plantations, if H.M. Governors are not impowered to give, or promise them some encouragement in our own Plantations. [C.O. 152, 12. pp. 171, 172.]

Nov. 19.
Whitehall.

215. Council of Trade and Plantations to Mr. Secretary Addison. *Enclose extract of Governor Lowther's letter of 20th July.* Whereupon we must observe that the Act for trying of pirates which Mr. Lowther supposes to be expired is revived and is still in force, and that we did report to H.M. the 18th of Sept. last our opinion of the necessity of renewing such Commissions; We are still of opinion that it will be for H.M. service that the said Commissions be renewed, and that as soon as possible. As to that part of Mr. Lowther's letter relating to a power of impressing seamen *etc.*, we must submit to H.M. great wisdom how far an alteration in that Law may be adviseable, so as to lodge such a power in the several Governors of the Plantations in conjunction with their respective Councils. We would also acquaint you that we have lately received from Mr. Heywood

1717.

Commander in Chief of Jamaica the same account relating to the capture of a Virginia ship commanded by Peter Beverly by a Spanish man of war as we had from Col. Spotswood which we transmitted to you 6th of Aug. last. [*C.O.* 29, 13. pp. 436-438.]

Nov. 19.
Whitehall.

216. Mr. Popple to Sir Edward Northey. The Council of Trade and Plantations desire your opinion in point of law, as soon as conveniently may be, upon the enclosed Act of Barbado's passed 16th March 17¹⁶/₁₇, intituled *an additional Act to the Act to ascertain the payment of bills issued pursuant to the Act to supply the want of cash, etc.* [*C.O.* 29, 13. pp. 438, 439.]

Nov. 20.
[Whitehall.]

217. Mr. Popple to John Marsh. *Returns* petition of the Churchwardens and Vestry of St. Philips in Antegoa, which being to H.M., the Council of Trade think they cannot properly take notice of it till it has been presented to H.M. and his pleasure signified to them upon it. [*C.O.* 153, 13. pp. 179, 180.]

Nov. 21.
St. James's.

218. Mr. Secretary Addison to the Council of Trade and Plantations. Refers following for their opinion what H.M. may fitly do therein. *Signed*, J. Addison. *Endorsed*, Recd. 22nd, Read 25th Nov., 1717. $\frac{1}{3}$ p. *Enclosed*,

218. i. Petition of William Cockburn to the King. On 9th March 1716, petitioner was appointed Secretary of Jamaica, and dismissed by Mr. Heywood 6th Aug., 1717. Petitioner was appointed to receive half the profits, and for the other half to be accomptable to the Patentee. But Mr. Beckford, Attorney to the Patentee, claimed the whole profits, £595 3s. 10d., as due to Samuel Page, Deputy to the Patentee, notwithstanding Page had deserted that office without the privy of the Governour before petitioner was appointed. Petitioner was obliged to come to England with Lord A. Hamilton, and learns that Governour Heywood has given a decree in Chancery against him for £641 5s. 8d. and £31 7s. 6d. costs, which his Attorneys have paid to Mr. Page, i.e. £115 9s. 7 $\frac{1}{2}$ d. more than he ever received. By a General Instruction, Governours are restrain'd from allowing of appeals under the value of £500 sterl., whereby petitioner is entirely left without any relief in this unparallel'd case, unless your Majesty shall be graciously pleas'd to give directions for the rehearing of petitioner's cause *etc.* *Prays for relief.* 2 pp. [*C.O.* 137, 12. Nos. 101, 101 i.; and 138, 16. pp. 21-26.]

Nov. 21.
Whitehal.

219. Council of Trade and Plantations to the King. Recommend John Parker, Peter Fretwell and John Wells for the Council of New Jersey, *etc.* [*C.O.* 5, 995. p. 340.]

Nov. 21.
Whitehall.

220. Council of Trade and Plantations to Mr. Secretary Addison. We have prepar'd the draughts of a Commission and

1717.

Instructions for Capt. Woodes Rogers to be H.M. Governor of the Bahama Islands (*v.* Sept. 3), which we hope will be sufficient till upon the informations that shall be receiv'd from him after his arrival there, of the true state and condition of those Islands H.M. shall be pleas'd to establish a civil Government there, which will require a more ample Commission and Instructions. We have receiv'd pursuant to H.M. directions signified to us by your letter of 23rd Oct. last a surrender from four of the Proprietors of the Bahama Islands to H.M. of their right to the Government there, and shall take care to send the same to Mr. Attorney General to be enroll'd in Chancery according to H.M. Orders ; But whereas there are six Proprietors of the said Islands and only four of them have sign'd to the said surrender We have sent to Mr. Attorney General for his opinion how far the same may be valid and effectual in Law to conclude the persons that have not signed. *Annexed,*

220. i. H.M. Commission to Woodes Rogers to be Governor of the Bahama Islands. Whereas by reason of the great neglect of the Proprietors of the Bahama Islands the Government of the said Islands is fallen into great disorder and confusion, by means whereof not only the publick peace has been disturbed and the administration of Justice (whereby the proprieties of Our subjects should have been preserv'd there) entirely stopp'd but there has also been an utter want of provisions for the guard and defence of the said Islands against an enemy, insomuch that most of the inhabitants are fled from the same, whereby the said Islands are expos'd to be plunder'd and ravaged by pirates and others, and in danger of being lost from Our Crown of Great Britain ; And whereas the Proprietors being sensible that the said Islands and Our good subjects the inhabitants thereof, cannot be defended and secur'd by any other means than by Our taking the Government of the same under Our Royal Protection and immediate care, have executed and made a formal and entire surrender of their right or pretended right and title to the Government thereof unto us ; Now know ye that We, *etc.* by these presents do constitute and appoint you Woodes Rogers to be Our Captain General and Governor in Chief in and over our said Islands, and of the Garrison we shall send thither, *etc.* And for the better administration of Justice and management of the publick affairs of our said Islands, We hereby give and grant unto you full power and authority to choose nominate and appoint such fitting and discreet persons as you shall either find there or carry along with you not exceeding the number of twelve to be of our Council in our said Islands till Our further pleasure be known, any five whereof we do hereby appoint to be a Quorum. Which being done you shall yourself take and administer unto each of

1717.

the Members of Our said Council as well the oaths appointed to be taken instead of the oaths of Allegiance and Supremacy, and the oath mention'd in the Act *to secure H.M. person and the Protestant succession*, as also to make and subscribe, and cause them to make and subscribe the Declaration mention'd in the Act *for preventing dangers which may happen from Popish Recusants*. And you and every one of them are to take an oath for the due execution of your and their places and trusts, *etc.*, and likewise the oath requir'd to be taken by all Governors of Plantations to do their utmost, that the Laws relating to the Plantations be observ'd ; all which oaths We do hereby empower any five of our said Council to administer to you. And we do hereby give and grant unto you full power and authority to levy arm muster command and employ all persons whatsoever residing under your Government, and to execute martial Law in time of invasion, insurrection or war, *etc.* And to the end that the industry of our good people and their posterity may have all good and possible encouragement, We do by these presents give and grant unto you the said Woodes Rogers, with the advice of the said Council or any five of them power and authority to give one or more Commission or Commissions unto one or more of our subjects addressing themselves unto you for the finding out of what trades shall be most necessary to be undertaken for the good and advantage of the inhabitants of the said Islands ; And We do hereby further give full power and authority to you the said Woodes Rogers to do execute and perform all and every such further act and acts as shall or may tend or conduce to the security of our said Islands and the good people thereof, and to the honour of our Crown ; And We do hereby further give unto you or any five or more of the Council power to administer the oaths *etc.* And Our further will and pleasure is, and we do by these presents will require and command the several officers, Ministers and other the soldiers and people in the said Islands, that they in their several places be obedient, aiding helping and assisting unto you, *etc.* Given at Our Court at St. James's the 16th day of January, 17 $\frac{1}{2}$.
Countersigned, J. Addison.

220. ii. H.M. Instructions to Governor Woodes Rogers. You are to publish your commission, appoint Councillors and send us their names *etc.* To transmit the names of 12 persons best qualified for that trust *etc.*, and by the first opportunity and afterwards as often as may be a true state of the said Islands, particularly with respect to the numbers and qualifications of the people that either are or shall resort thither, what number it may be proper to constitute the Assembly of ; what persons

1717.

are proper and fit to be judges Justices and Sheriffs ; and any other matter or thing that may be of use to us in the establishing a civil Governmt. as aforesaid. In the meanwhile till We shall have establish'd such a Government you will receive herewith a copy of the several Instructions by Us given to Our Governor of Jamaica [*i.e.* *Sir Nic. Lawes, Ed.*], which are to be as a rule to you as near as the circumstance of the place will admit, in such things as they can be applicable to, till Our further pleasure be known ; But you are not to take upon you to enact any laws till We shall have appointed an Assembly and given you directions for your further proceedings therein ; neither are you to suspend any of the members of Our said Council without good and sufficient cause which you are to signify to Us and to Our Commissrs. for Trade and Plantations *etc.* [*C.O.* 24, 1. *pp.* 2-12.]

Nov. 21. **221.** Mr. Popple to Mr. Attorney General. Four of the
Whitehall. Lords Proprietors of the Bahama Islands have executed a deed of surrender of their right of Government to H.M.; but two being minors have not sign'd. The Council of Trade and Plantations desire your opinion whether such a surrender without the hands of all be valid and effectual. [*C.O.* 24, 1. *p.* 13.]

Nov. 22. **222.** Mr. Secretary Addison to the Council of Trade and
St. James's. Plantations. Refers following for their report thereon. *Signed*, J. Addison. *Endorsed*, Recd. 28th Nov., Read 1st Dec., 1717. $\frac{1}{4}$ *p.* *Overleaf*,

222. i. Petition of John Plowman of London, Fishmonger, and Robert Shard of London, merchant, to the King. There are great quantitys of sturgeon imported from Sweden. There are great quantitys to be found in America equally as good but for want of knowing the art of curing them they have been of no advantage to your Majesty's subjects. Petitioners have with great labour and expence found out and acquired the art of preserving them and have already experimented it having imported some taken and cured by their agents in America, *etc.* *Pray* for patent for the sole use and benefit of taking cureing preserving and vending such sturgeon *etc.* *Signed*, John Plowman, Robt. Shard. 1 *p.* [*C.O.* 323, 7. *Nos.* 115, 115 i.; and 324, 10. *pp.* 152-155.]

Nov. 22. **223.** Governor Hunter to Mr. Popple. *Abstract.* All is
N. York. well in both Provinces and a perfect harmony reigning amongst all partys, which only meets with small shocks and jarrs from the worthy plaintiffs on your side who continue to write the most notorious falshoods relateing to me *etc.* That poor troublesome

1717.

old man, whose memorial is now referred to the Board *etc.*, has sent over of late some blank petitions which his few friends carry round the county for subscriptions *etc.* *Acknowledges* his indebtedness to the Board, "even in bad times my most just masters and worthy patrons," and to Mr. Popple *etc.* *Set out*, N. Y. Col. Docs. V. 493. *Signed*, Ro. Hunter. *Endorsed*, Recd. 7th, Read 27th Jan., 17 $\frac{1}{8}$. *Holograph.* 4 pp. [C.O. 5, 1051. No. 43 ; and 5, 1123. pp. 492-494.]

Nov. 23.
Whitehall.

224. Bryan Wheelock to the Principal Officers of H.M. Board of Works. *Applies* for repair of "one of the closets in the office in the cockpit," which "being very much out of repair the books and papers" of the Office "are thereby greatly damaged." [C.O. 389, 37. p. 133.]

Nov. 25.

225. Francis March to the Council of Trade and Plantations. *Repeats* request for copy of Ld. A. Hamilton's order by his Secretary William Cockburn to Francis Fernando to pay to Thomas Bendish one third part of the effects *etc.* taken from on board the Spannish sloop by Fernando, which order is entered in the Council Minutes 8th June, 1716, and is referd to in the Articles exhibited by the Governor and Council against Ld. Archibald *etc.* *Signed*, Francis March. *Endorsed*, Recd., Read 27th Nov., 1717. 1 p. [C.O. 137, 12. No. 102 ; and 138, 16. pp. 28, 29.]

Nov. 25.
Whitehall.

226. Mr. Popple to Mr. Wachter. Reminds him that the Council of Trade and Plantations desire to speak with Mrs. Low out of hand (*v.* 14th Oct.). [C.O. 5, 915. pp. 63, 64.]

Nov. 25.
Philadelphia.

227. Lt. Governor Keith to the Council of Trade and Plantations. *Acknowledges* letter *etc.* of 16th May. *Continues* : I immediately gave directions accordingly, copy enclosed. But as formerly the Office of Surveyor Genl. of the Customs in these parts gave me an opportunity to be acquainted with the Plantation Trade that now seems to be complain'd of, I presume it is my duty to inform your Lordships that altho' the King's subjects did then, and I believe still do trade both with the French and Spanish Settlements in America at their own peril and risque of being taken and confiscated by the French *etc.* according to the tenor of the Treaty [*of Peace and Neutrality*], yet I never could learn or discover that any trade was carried on by the French to the British Settlements in violation of the Act of Navigation. I will not take upon me to say how far it would be convenient for H.M. interest more strictly to prohibite all clandestine trade with the French and Spaniard in America in our own shipping, which indeed is not restrained by any law or Act of Parliamt. that I know of. But whereas a great part of the returns commonly made by this clandestine trade are the produce of the French settlements such as sugar, cotton, indigo *etc.* which being transported to the English Colonies pays no more duty than what is laid on the product of H.M. own Plantations,

1717.

I am of opinion it would be both convenient and profitable to lay a greater duty in America on the product of foreign Plantations than what is laid upon our own, which would oblige our Adventurers not to return anything but bullion from their trade with foreigners unless at the cost of a revenue to the Crown, *etc.* *Signed*, W. Keith. *Endorsed*, Recd. 27th, Read 28th, 1717 (1718). *Addressed*. *Seal*. *Postmark*. 2 pp. *Enclosed*,

227. i. Lt.-Governor Keith to the Naval Officer and Collector of Customs in Pensilvania. Instructs them to act in accordance with instructions of 16th May, 1717. Philada. Nov. 25, 1717. *Copy*. 1½ pp. [*C.O.* 5, 1265. *Nos.* 89, 89 i.; and (*without enclosure*) 5, 1293. pp. 134, 135.]

Nov. 25. **228.** Ambrose Philips to the Council of Trade and Plantations. Mr. Francis Harrison, for whom Brigadier Hunter has applied for a dormant warrant to fill any vacancy in the Council of New York, is a person of singular merit, capacity and zeal towards the Protestant succession, well educated, conversant in business, with a perfect knowledge of the country *etc.* *Endorsed*, Recd. 25th, Read 26th Nov., 1717. 2¼ pp. [*C.O.* 5, 1051. *No.* 41; and 5, 1123. pp. 490, 491.]

Nov. 26. **229.** Mr. Popple to Sir Edward Northey. *Encloses Memorial* of Messrs. Micklethwaite *etc.* (*v.* Nov. 18). "relating to 4 Barbado's Laws contained in the inclosed book and numbered 41, 42, 108, 145. The Council of Trade and Plantations desire your opinion thereupon," *etc.* [*C.O.* 29, 13. p. 439.]
Whitehall.

Nov. 26. **230.** Council of Trade and Plantations to Mr. Secretary Addison. In obedience to H.M. commands signified to us by your letter of 25th Sept. we have had under our consideration the Memorial of Monsieur D'Ibberville *etc.* Upon this occasion we have discoursed with such Gentlemen as were most capable of giving us the proper informations about this affair, and have considered some Addresses and Representations to H.M. from the Lt. Governor, Council and Assembly of Nevis, as likewise several depositions on oath of the principal inhabitants of that Island, and other papers, all which relate to the Capitulation, and were laid before this Board some time ago. By the accounts given us by those Gentlemen and the contents of these papers, it appears, that the inhabitants of Nevis did agree to a capitulation on the conditions expressed in the Memorial of the Sieur D'Ibberville, that this Capitulation was signed on the 4th of April, and was observed on the part of the inhabitants, as far as was in their power, but was broke by the french in several respects, particularly by their burning houses, and destroying all the publick Records of that Island; That some days after the signing this Capitulation vizt. on the 19th of the same month, the inhabitants did indeed sign a second agreement to the effect set forth likewise in the Sieur D'Ibberville's Memorial, but this second agreement was not proposed by themselves as is alledged in the said Memorial, for it was forced upon them by threats

1717.

and ill treatment, of which many strong and particular instances are given in the aforesaid addresses, representations and depositions. The reason given by the *Sieur D'Ibberville* in his memorial for the making this second agreement is, that the inhabitants had not performed an Article of the Capitulation, whereby they were to deliver up to him all their negroes ; In answer to which, we find it is alledged in behalf of the inhabitants, that in pursuance of that article they did deliver up as many of their negroes as were in their power, and that the French did actually carry off the Island upwards of 3000 negroes, besides several effects of considerable value, but the rest of the negroes escaping to the woods on the mountains, and being no longer in their masters power the French themselves attempted in vain to force them thence, from whence it may be concluded that the french were convinced there had not as yet been any wilfull neglect in the inhabitants in this particular, and as no person can be obliged to do anything that is not possible to be performed, the French had no reason to make use of this pretence for imposing upon the inhabitants a new agreement when a reasonable time had not as yet been allowed them for the performance of the old one ; and that this was the sence of both parties concerned in that capitulation appears to us by a deposition in these words " That in March 1706 about the 25th day, this deponent went where the officers were in the Dodan, whither came to them as a truce with Articles from the French, two gentlemen one of which had the title of Major, the other as an Interpreter who produced their Articles which being read that Article by which they would have us bring in all our negroes was objected against by us, saying it was not in our power as they were then in the woods, the Interpreter told the Major what we said, and he by his Interpreter told us that the General did not expect anything of us but what was in our power, Captain Dunbar took the Articles and wrote the same words in the margent against the said Article." But the true reason why the French proposed this second agreement as the inhabitants affirm, was that they found it would require more time than they at first imagined, to force the negroes in the mountains to surrender, and having received intelligence of the arrival of an English squadron in those parts, the French were in hast to quit the Island ; wherefore making use of the advantage they got by the Capitulation, whereby the inhabitants had put themselves entirely into their power they forced them to submit to a second agreement more advantageous to the conquerors. We observe the *Sieur D'Ibberville* affirms (Sept. 25) that he performed religiously on his part all the conditions of the capitulation and agreement : yet we find it set forth in the aforesaid addresses, representations and depositions, that the French destroyed houses, blew up the fort and magazine and carryed off several negroes after, and contrary to the express conditions of this second agreement, notwithstanding several representations and complaints which were made to the said *Sieur D'Ibberville* of such infractions of that agreement as well as of the capitulation. We observe likewise

1717.

that the *Sieur D'Ibberville* in his Memorial makes a demand of 20,000 livres for subsisting at Martinico the hostages he carried off with him from Nevis, yet we find by an account which was joyned to a representation to H.M. from the Lt. Governor, Council and Assembly of Nevis, that £2576 sterl. had at different times been sent from Nevis to Martinico for the subsistence of those hostages to the 7th Sept., 1715, and the Gentn. concerned in the affairs of that Island, whom we discoursed with on this occasion, assured us that further remittances have since that time been made for the same purpose. This appears to us to be a true state of this affair according to the accounts given us by the Gentlemen we discoursed with, and by the several papers lodg'd in our Office, compared with the *Sieur D'Ibberville's* Memorial; We shall not determine whether any violent means used by the French to make the inhabitants sign the second agreement, or the breach of several conditions of this agreement on the part of the French as well as of the capitulation, may discharge the inhabitants from making good the whole or any part of those agreements; But we think this matter might be best determined by Commissaries to be appointed for this purpose, as by the 11th Article of the Treaty of Peace concluded at Utrecht was agreed to be done, and this method seems to be the more proper because it appears by the said 11th Article that the French were to have justice done them about the capitulation of Nevis, in consequence only of a determination to be made by the same Commissaries who were to consider and to adjust likewise, and in the first place, as the tenour of the Article seems to import, the demands of the Company of Hudson's Bay, and of the inhabitants of Mountserrat, for damages done them by the French during the Peace, and for which reparation is expressly promised by that Article but has not yet been made. We further find that on 13th May, 1714, this Board writ a letter to the Lord Bolingbroke to represent and to desire that H.M. might be pleased to signify to the Court of France the necessity of appointing Commissaries to treat of several matters pursuant to the 10th, 11th and 15 Articles of the Treaty of Peace, the french Commissaries who were then here having no power to treat about those matters, and we cannot but take notice that neither in the Memorial of Monsr. D'Ibberville the Envoy, nor in that of the *Sieur D'Ibberville* the Commander, any mention is made of the aforesaid 11th Article of the Treaty of Peace, so that it would seem as if the French themselves declined entring into the proper method assigned by that Article for determining their demands about the capitulation of Nevis. Since therefore this affair cannot in our opinion be so well settled in any other way as by the method abovementioned which is likely to prove very dilatory on the part of the French it would be a very great hardship, that Mr. Char. Earle the only one of the Nevis hostages now remaining at Martinico should be any longer detained there, wherefore we beg leave humbly to offer to H.M., that he would be graciously pleased to interpose with the Court of France that the said Mr. Earle may be set at liberty, which we conceive may

1717.

be done without prejudice to the demands of the French, because they are entitled by the aforesaid 11th Article of the Treaty of Utrecht to have due satisfaction for their demands, when they shall be found to be just. [*C.O.* 153, 13. *pp.* 197–205.]

Nov. 27.
Treary.
Chambers.

231. Charles Stanhope to Mr. Popple. Having laid before my Lords of the Treasury your letter of the 19th instant whereby their Lordps. understand that the Lords Commrs. of Trade, think it is of great consequence to hinder as much as possible the poor inhabitants of the Leeward Islands from dispersing themselves into other settlements (as they seem inclined to do) for want of encouragement where they now are *etc.*; my Lords of the Treasury will be ready when opportunity offers of giving to the said poor inhabitants all due encouragement to the best of their Lordps. power. *Signed*, C. Stanhope. *Endorsed*, Recd. 29th Nov., Read 2nd Dec., 1717. *Addressed.* 1 *p.* [*C.O.* 152, 12. *No.* 57; and 153, 13. *p.* 180.]

Nov. 27.
Whitehall.

232. Mr. Popple to Mr. Attorney General. *Encloses*, for his opinion, Mr. Cockburn's petition and the decree of the Court of Chancery of Jamaica referred to (Nov. 21st). *Continues*:—I am to observe to you that by a clause of the King's Instructions to the Lord A. Hamilton (enclosed), which has been the same to all other Governors, his Lordship was impowered to appoint officers upon the suspension or absence of the persons officiating patent places and that Mr. Page, as appears by a letter under his own hand to the Lord Archibald Hamilton, left his office and the Island of Jamaica, contrary to the Laws of that Island and without the Governor's knowledge and consent.

I am further to inclose to you a copy of Mr. Congreve's patent and thereupon to desire your opinion upon Mr. Cockburn's petition, whether H.M. may grant an order for rehearing the cause there, or what H.M. may do for his relief therein. [*C.O.* 138, 16. *pp.* 26–28.]

Nov. 27.
Westminster.

233. Copy of Privy Seal directing salaries to the Commissioners for Trade and Plantations, Earl of Suffolk and Bindon, John Chetwynd, Sr. Charles Cook, Paul Doeminique, John Molesworth, Thomas Pelham, Daniel Pulteney, and Martin Bladen, and to William Popple, Secretary, and Bryan Wheelock, Deputy Secretary, *etc.* *Signed*, J. Wooddeson Depty. *Endorsed*, Recd. 6th, *Primerd*, 9th Dec., 1717. 4 *pp.* [*C.O.* 388, 77. *No.* 30; and 389, 37. *pp.* 134–139.]

Nov. 27.
St. James's.

234. Order of King in Council. Appointing John Parker, Peter Fretwell and John Wells to the Council of New Jersey, *etc.* *Signed*, Edward Southwell. *Set out*, N. J. Archives, 1st Ser. iv. 331. *Endorsed*, Recd. 30th, Read 31st Jan., 171⁷₈. 1¹₄ *pp.* [*C.O.* 5, 971. *No.* 69; and 5, 995. *pp.* 427, 428.]

[Dec. 2.]

235. Account of moneys paid by Governor Hunter for sustenance *etc.* of the Palatines. Spent, £32,071 13s. 10d.

1717.

Received from Treasury £10,000, and for goods sold, £800. Balance due, £21,271 13s. 10d. *Endorsed*, Recd. (from Mr. Philips 2nd Dec., 1717, Read 25th Feb., 171 $\frac{1}{8}$. 2pp. *Torn.* [C.O.5, 1051. No. 55.]

Dec. 3.
N. York.

236. Governor Hunter to Mr. Popple. *Abstract.* I send the Quarterly accounts of the export and import, by which their Losps. will observe how vastly increas'd the Navigation and Trade of this place is of late which in a great measure is owing to the currency of bills of credit upon so good and solid fond as that of the Excise our bills being ev'n on the Exchange of Boston 25 pr. cent. better then their own. I mention this because the bill for payt. of the remainder of publick debts past the house of Representatives and now depending before the Council, meets with some opposition or threatned opposition from men of private views piques and intrests, the true cause of which whatsoever the pretended one be is that this as the former one did encourages and enables the many to venture their stocks in trade to the prejudice of the few who had so long monopoliz'd it *etc.* *Continues* :—If the bill does passe, for I as yet know not its fate, I shall be able to convince their Losps. of the reasonableness and justice of it, it being really no other then an Act extending the former to such persons and claimants as were by that bill precluded their just demands by absence nonage neglect or the prevailing humor in that Assembly, making provision for publick charges not before provided for, (as particularly the Agency, incidents of Govt. *etc.*) and in effect for quieting the minds of all H.M. subjects on this side. *Requests* his good offices in prosecuting his claim in Parliament, and promises that he will not be content with a bare acknowledgment of his indebtedness to him. *Signed*, Ro. Hunter. *Endorsed*, Recd. 7th, Read 27th Jan., 171 $\frac{1}{8}$. 3 $\frac{1}{2}$ pp. *Set out*, N.Y. Col. Docs. V. 494. [C.O. 5, 1051. No. 44 ; and 5, 1123. pp. 494–496.]

Dec. 3.
Whitehall.

237. Council of Trade and Plantations to the Earl of Sunderland. We are informed, that on the last Council day, upon reading a representation from our Board, 16th Oct., upon certain laws, passed in the Leeward Islands, wherein we set forth, that we had consulted H.M. Attorney and Solicitor General concerning those laws, Mr. Attorney and Mr. Solicitor were pleased to acquaint the Council, that they had never given any opinion, concerning the said laws ; Whereupon the consideration of our report was laid aside. In justice therefore to ourselves, we beg leave to send your Lordship a duplicate of the said report, together with attested copies of Mr. Attorney and Mr. Solr., their opinions upon the laws therein mentioned ; your Lordp. will be pleased to observe, that we have inserted Mr. Attorneys own words in our report, where we make use of his authority to support our opinion, and have kept strictly to the Solicitors sence where we mention the Law, on which we had his opinion. We must intreat your Lordship to do us the honor of acquainting H.M. in Council at the next meeting with the

1717.

true state of this affair, that H.M. may be sensible of the great wrong Mr. Attorney and Mr. Solicitor have done us upon this occasion. [*C.O.* 153, 13. *pp.* 181, 182.]

[Dec. 4.] **238.** Richard Beresford to the Council of Trade and Plantations. It has been long foreseen and complain'd of, that ye French had a design to dispossess us of all our Plantations in the Continent of North America towards which they have been very industrious to make discoverys in those parts, and particularly to find out a way of communication betwixt ye Great Rivers of Quebec and Mississippi. Having effected this by ye travels of M. la Salle and Baron La Hontan, Lewis XIV gave a patent of those new discoverys to M. Crozat in Sept. 1712 under ye name of Louisiana, which not only takes in all that vast country ye Spaniards call Florida but all that part of ye Continent from ye River Mississippi on ye South to Lake Frontenac in ye R. of Canada on ye North from Lon. 282-302, which according to La' Hontan's map is almost 3000 m. and together with Canada encompasses all our English plantations on ye Continent by land ; so that this grant is a direct encroachment. on ye patent from our Crown to ye Proprietors of Carolina which extends their grant from ye North to ye South Sea. M. Crozat, having surrender'd his patent to the present French King, His Majesty conferr'd it in August last for 25 years on a trading Society call'd the Western Company of France with very ample powers and privileges an abstract of which is to be seen in the French Amsterdam Gazette of — and in the Flying Post of Sept. 26th. The danger which this grant threatens to all our plantations on the Continent, appears not only from ye situation of these French Colonys, but also from the Articles which empower this Western Company to make alliances war and peace with all the Nations in ye Country that are not dependant on other European powers, allow them to build and garrison fortification in their Colonys and to raise soldiers in France, empower them to fit out as many ships of war as they shall think necessary, assure them of his protection by force of arms if needful and allow them all his forts canon arms ammunition and shipping in that country whither they are oblig'd to transport 6000 whites and 3000 blacks. This grant with ye assistance of ye French in Canada and ye Indian Nations that are already brought into alliance with them will enable ye French effectually to put in execution La Hontan's project either to draw over ye Iroqueuse Indians etc. to their interest and to engross all ye commerce of those Nations, now in ye hands of the English of New York, or if ye Iroqueuse etc. don't willingly come into it, ye French may force them by building forts in ye places he mentions etc. We don't know how far this is effected already but have good information that ye French and their Allies design to fall upon ye Chiriqueuse, an Indian Nation in amity with us upon the bank [*? back Ed.*] of Carolina, and as they may easily do ye like to those in friendship with us on ye back of our other plantations we shall not only lose all our commerce with ye natives, which

1717.

will sink our trade but be evidently expos'd to be drove out of ye Continent by the French and their numerous Allies ; and what a loss as well as disgrace this will be to England 'tis not easy to be conceiv'd and far less to be express'd. It is therefore humbly propos'd to ye Government that they wou'd be pleas'd to think of proper methods to assert the sovereignty and honour of ye Crown of England against such encroachments and in ye mean time to take such measures as may defend our plantations from ye wars already begun in Carolina and ye others that are daily fear'd from ye French and their Indian Allies elsewhere, towards which defence La Hontan's proposals *p.* 237 may perhaps deserve to be consider'd. *Signed*, Richd. Beresford. *Endorsed*, Recd. 4th, Read 12th Dec., 1717. 2 *pp.* [*C.O.* 323, 7. No. 117.]

Dec. 4. **239.** Mr. Popple to John Bernardo de Guardia and Peter Whitehall. Diharce. Requests early delivery of proofs relating to the seizure of the Spanish bellandra, promised to the Board Oct. 15 *etc.* [*C.O.* 138, 16. *pp.* 29, 30.]

Dec. 4. **240.** H.M. Commission to Robert Irvine to be Surgeon to St. James's. the two Independent Companys in Jamaica. *Countersigned*, Sunderland. [*C.O.* 324, 33. *pp.* 116, 117.]

Dec. 4. **241.** Mr. Popple to Sir Wm. Thompson. *Desires* his opinion Whitehall. as soon as possible in answer to his letter of Oct. 7th. [*C.O.* 5, 915. *p.* 64.]

Dec. 5. **242.** Mr. Solicitor General to Mr. Popple. I had obeyed ye commands of ye Lords Commrs. June last immediately after, if ye petitioners for ye tract of land between Nova Scotia and ye Province of Main had not been ye occasion of their own delay : I desired their agent to summon all parties who had given in memorials against ye petition, and I fix'd a day for a hearing, and I found three different parties not summon'd, ye vacation came on when I was at leisure, I order'd fresh summon's, but I found some of ye parties out of town, and their agents applied for time till their writings could be produced, I could not in justice deny their request. It was some time in last month before all parties could be ready *etc.* I hope ye beginning of next week to be able to obey the commands of ye Lords *etc.* *Signed*, Wm. Thomson. *Endorsed*, Recd. 6th, Read 9th Dec., 1717. *Holograph.* 3 *pp.* [*C.O.* 5, 866. No. 129.]

Dec. 5. **243.** Mr. Popple to Sir Wm. Thomson, Sollicitor Genll. Whitehall. Encloses Act of New Jersey, 1717, to repeal *Act ascertaining the place of sitting of the General Assembly, etc.*, for his opinion there-upon in point of law as soon as possible. [*C.O.* 5, 995. *pp.* 417, 418.]

Dec. 6. **244.** Mrs. Anne Low to Mr. Popple. In obedience to this Honble. Board's commands for my appearance before them next Tuesday I have to request you will let them know I quitt my

1717.

pretention to ye patent for catching and curing sturgeon in my name in H.M. Dominions in America, *etc.* *Signed*, Anne Low. *Endorsed*, Recd. 6th, Read 9th Dec., 1717. *Addressed*. $\frac{1}{2}$ p. [C.O. 323, 7. No. 116.]

Dec. 6.
Whitehall.

245. Mr. Popple to Mr. Carkesse. The Council of Trade and Plantations desire an account of all imports and exports to and from New England for 3 years last past *etc.* [C.O. 5, 915. p. 69.]

Dec. 6.
London.

246. B. de Guardia and P. Diharce to Mr. Popple. *Reply to Dec. 4.* Wee shall wayte on the Board Tuesday next with the proofs, *etc.* *Signed*, Bernardo de Guardia, P. Diharce. *Endorsed*, Recd. 6th, Read 9th Dec., 1717. 1 p. [C.O. 137, 12. No. 103.]

Dec. 9.
Whitehall.

247. Council of Trade and Plantations to the Lords Commissioners of the Treasury. Enclose office accounts from Lady day to Michaelmas. *Accounts annexed.* [C.O. 389, 37. pp. 141-143.]

Dec. 9.

248. Mr. Solicitor General to Mr. Popple. I have considered the Act of New Jersey to *repeal the Act for the ascertaining the place of the sitting of the Assembly, etc.*, and as the Act to be repealed was made so lately as the eighth year of Queen Ann and is found to be inconvenient and asserted to be contrary to the Royal instructions I doe not apprehend that there can be any scruple why H.M. should not approve of this Act sent over which leaves the place to be appointed as shall be most convenient and the rather for that the Act to be repealed was a restraint of the King's prerogative. *Signed*, Wm. Thomson. *Endorsed*, Recd. 9th, Read 10th Dec., 1717. $\frac{3}{4}$ p. [C.O. 5, 971. No. 64; and 5, 995. pp. 418, 419.]

Dec. 10.
Whitehall.

249. Mr. Popple to Mr. Attorney General. Requests immediate reply to enquiry of Nov. 21, as to validity of the surrender of the Bahama Islands, *etc.* [C.O. 24, 1. p. 14.]

Dec. 10.

250. Mr. Attorney General to [? Mr. Popple]. *Reply to preceding.* I am of opinion a surrender by four, where six are seized, can only convey and extinguish thereby four parts in six, of what the parties enjoyed. However H.M. being intituled under four to four parts of the Government, which is entire, he may execute the whole. And I do not know that the other two can be co-partners with H.M. in governing. For which reason and that there might not be an extinguishmt. by surrender, I apprehend as this case is, a grant to the Crown of the four parts might be more proper. *Signed*, Edw. Northey. *Endorsed*, Recd., Read 11th Dec., 1717. $\frac{1}{2}$ p. *Enclosed*,
250. i. Copy No. 249. [C.O. 23, 1. Nos. 7, 7 i.]

1717.

- Dec. 10. **251.** Mr. Clayton to Mr. Popple. Refers to above opinion of the Attorney General. *Signed*, Alex. Clayton. *Endorsed*, Reed., Read 10th Dec., 1717. *Addressed*. 1 p. [C.O. 23, 1. No. 6.]

Dec. 10.

London

- 252.** Agents of the Spanish owners of the *Nostra Signora de Bethleem* to the Council of Trade and Plantations. Refer to their previous petition and enclose proofs *etc.* *Signed*, Bernardo de Guardia, Pr. Diharce. *Endorsed*, Reed. 10th Dec., 1717, Read 13th Jan., 17 $\frac{1}{8}$. 3 pp. *Enclosed*,

252. i. Copy of Minutes of Council of Jamaica, Sept. 1, 1716. 11 $\frac{1}{2}$ pp.

252. ii. Copy of protest of John Rolfe, proctor for Don Manuel de Arambura on behalf of the owners, against the condemnation of the sloop *Kensington* (= *Nostra Signora de Bethleem*). Rolfe was refused the aid of Council in Court and not given time to make a proper defence *etc.* 13th Aug., 1716. *Signed*, Jno. Rolfe, Manuel de Arambura. 3 pp.

252. iii. Copy of condemnation of the sloop *Kensington* and her cargo, 16th March, 1716. *Signed*, Jno. Warner, Judge of the Admiralty, Jamaica. 1 p.

252. iv. Copy of bond given upon appeal from preceding sentence. 27th March, 1716. *Signed*, Lewis Galdy, Daniel Axtell. 1 p.

252. v. Copy of appeal referred to in preceding. *Signed*, Manuell de Aramburu, Juan Patricio Grant. 7 pp.

252. vi. Copy of enquiry into the seizure of the *Nostra Signora de Bethleem* before the Marquis de Casatorres, Governor of Havana, and his decree that letters be despatched to the Governor of Jamaica for restitution *etc.* 26th and 27th Jan., 1716. *Translated from the Spanish*, 74 pp.

252. vii. Estimation of the value of the *Nostra Signora de Bethleem*, her cargo and damages accruing from her seizure. *Total* :—£36,723 1s. 4d. London. 10th Dec., 1717. *Signed*, Bernardo de Guardia, P. Diharce. 1 $\frac{1}{4}$ pp.

252. viii. Previous estimate of preceding. *Total* :—£37,485. July 24, 1717. *Signed as preceding*. [C.O. 137, 12. Nos. 107, 107 i.–viii.]

Dec. 10.

Whitehall.

- 253.** Mr. Popple to Mr. Solicitor General. *Encloses* printed book of New Jersey Acts and *desires* his opinion in point of law as soon as may be upon the Act to lay a duty upon wheat exported out of the Eastern Division *etc.*, the Act that the solemn affirmation and declaration of the people called Quakers shall be accepted instead of an oath *etc.*, and the Acts for inforcing the observation of the ordinance for establishing fees, 1713 and 1717. [C.O. 5, 995. pp. 419, 420.]

1717.

Dec. 11.
Whitehall.

254. Council of Trade and Plantations to the King. *Recommend for H.M. approbation Act of New Jersey to repeal the Act for ascertaining the place of sitting of Assembly etc.* [C.O. 5, 995. pp. 420, 421.]

Dec. 11.
Whitehall.

255. Council of Trade and Plantations to Mr. Secretary Addison. *Refer to letter of Nov. 21 and quote Mr. Attorney General's opinion (No. 250).* Upon which we only take leave to observe that the two Proprietors who have not executed the surrender, are Minors, which is the only reason, as we are inform'd, why their Trustees have not sign'd for them ; However we are of opinion from the reports of former Attornies and Solicitors General, that had not this surrender been made, the Proprietors by their long neglect in providing for the security of the said Islands and H.M. subjects inhabiting there, had forfeited their right to the Government of those Islands, and that H.M. might legally provide both for the civil and military Government there ; Since therefore the Parliament have now voted the necessary supply demanded by H.M. for the security of these Islands, and since Capt. Rogers together with his friends, who are Adventurers upon this occasion, do actually stand at a considerable daily expence in demurrage on the ships which they have at their own charge fitted out for transporting the new Governor with his stores, ammunition, provisions and garrison to Providence, we would intreat you to lay the said Commission and Instructions as soon as conveniently may be before H.M. for his Royal Signature. [C.O. 24, 1. pp. 15-17.]

Dec. 12.
Whitehall.

256. Council of Trade and Plantations to Mr. Secretary Addison. *Enclose Mr. Beresford's report (Dec. 4.) of the French designs etc. Continue :—*This has been further confirm'd to us by Mr. Cuming Surveyor of ye Customs at Boston ; By weh. means all H.M. Provinces on the Continent are inclos'd between the said French settlements and the sea. Upon this occasion we are writing to H.M. Governors in North America for their opinion what may be proper to be done for preventing the inconveniencies that may happen from the French extending their settlements in this manner *etc.* [C.O. 324, 10. pp. 156, 157.]

Dec. 12.
Whitehall.

257. *Same to Same.* Pursuant to H.M. commands, Sept. 3rd, enclose following. *Annexed,*

257. i. Draft of H.M. Additional Instruction to Governor Walter Hamilton. Whereas several inconveniences have arisen to our Governments of the Plantations by gifts and presents made to our Governors by the General Assemblies, for which reason you have been prohibited by an Instruction from us to give your consent to any Acts for granting to you any such presents or to receive any such presents from the respective Assemblies, or others on any account or in any manner whatsoever excepting a limited sum for

1717.

the rent of a house. And whereas the Assembly of our Island of Antigua have passed an Act for settling upon you a sum of a thousand pound of the mony of that Island pr. ann. for house rent, during your continuance in the Government of our Leeward Islands. And we have allowed you to receive the said sum, during our pleasure, and we do hereby revoke and annul the forementioned Instruction, and do likewise hereby will and require you upon pain of our highest displeasure not to pass any act or order for any gift or present to yourself, to our Lieut. General or to any of our Lieut. Governors or Commanders in Chief for the time being from the Assembly or Assemblies of any of our Islands under your Government; and that you do not receive any gift or present whatsoever either directly or indirectly, other than the forementioned thousand pounds pr. ann. *etc.* [C.O. 153, 13. pp. 183-185.]

[Dec. 16.] **258.** Abstract of agreement concluded between Jno. Borland and Tho. Minshall and other fishmongers of London for serving them with sturgeon for 7 years, 28th Feb., 1716. *Endorsed*, Recd. 16th Dec., 1717. 1¼ pp. [C.O. 5, 866. No. 130.]

Dec. 16. **259.** Mr. Attorney General to the Council of Trade and Plantations. *Reply to Nov. 26.* The design of the Acts of Barbadoes *referred to* being to ascertain the fees of the several officers of that Island and to hang up tables of those fees in their respective offices *etc.*; if the fees be reasonable (of which I am not a judge) I have no objection against the design of the said Acts, but I am of opinion that one of the remedies appointed by the said Acts for punishing the offenders agst. the said Acts is unreasonable and unjust, especially as to the Secretary, Provost Marshall and Register in Chancery *etc.* *Quotes provision in case of excessive fee being taken described No. 210, q.v.* Wherefore I am humbly of opinion, that the said Acts with the said powers are not fit to receive H.M. approbation, if they have not already had the approbation of the Crown. *Signed*, Edw. Northey. *Endorsed*, Recd. 1st, Read 18th Dec., 1717. 2¼ pp. *Enclosed*, 259. i. Duplicate of No. 210. [C.O. 28, 15. Nos. 25, 26; and 29, 13. pp. 440-442.]

[Dec. 17.] **260.** Petition of Robert Cunynghame to the Council of Trade and Plantations. Petitioner served in the Regiment of Foot in the Leeward Islands from Sept. 1692—Jan. 1699, and in the Expedition against Martenico. In the last war he went a Voluntier against Guadeloup, where he was appointed Commissary General, and had a post of trust and great danger in the last reduction of St. Christophers from the French. Being desirous to provide for his eleven children he did purchase from Mrs. Dorothy Mitchell, widow of Capt. Thomas Mitchel, H.M.S. *Sheerness*, her and her daughter's right which Governor Douglas

1717.

made unto Capt. Mitchel for a plantation of 200 acres in Basse-Terre Quarter, formerly belonging to Monsieur Giraudel or Monsieur Lambert. Petitioner applied to Governor Hamilton to renew the grant, the time limited therein being expired or near expired, who said he must give it him the said Governor which the petitioner would not agree to; the Governor put the grant among his papers; some time after petitioner being told the Governor had given a grant of said Plantation unto Mr. Milliken of Nevis, petitioner went to the Governor who told him he had given it to Mr. Milliken believing the petitioner had complained against him. Petitioner continued possessed of the dwelling house upon the said plantation untill he left St. Christophers and has not any advice of his being dispossessed. *Prays* for their Lordships' recommendation to H.M. that he may have the preference in the purchase of the said plantation in the name of Daniel Cunynghame his second son, under conditions that petitioner may enjoy the profits during his life and may charge it with legacies at his death, petitioner being ready to comply with what their Lordships shall be pleased to order in relation to Mr. Stoddart. (*cf.* 24th Jan., 1718.) *Endorsed*, *Reed.* 17th Dec., *Read* 23rd Jan., 1718. 1½ pp. [*C.O.* 152, 12. *No.* 61; and 153, 13. pp. 194-197.]

Dec. 18. **261.** Mr. Solicitor General to Mr. Popple. *Reply to 7th June, as to granting of lands between Nova Scotia and Maine.* I have considered the petition and memorials and heard all parties except Mr. Partridge, absent from England *etc.* His son being summoned answered that he should take no care about it. I found Mr. Dummer unable to make out any of the facts alleged in his first Memorial (Dec. 3, 1716), but he wanted time to produce the deeds of purchase. To make good the assertion in his second Memorial (*v.* 30th May), he referred to the words of the Charter in the printed book p. (13). *Quotes* clause of Charter beginning *Provided* also that it shall and may be lawful for the said Governour and General Assembly to make or pass any grant of lands lying within the bounds of Colonies formerly called the Colonies of the Massachusetts Bay and New Plymouth and province of Maine *etc.* Upon consideration of these words I am humbly of opinion that the Crown has not divested itself in any manner of the right to the lands described to be extending from the River of Sagadahock to the Gulfe of St. Laurence and Canada Rivers and to the main sea northward and eastward which I understand is the land in question nor has the Crown given the said Governour and General Assembly any of the sd. lands these words being at most only a power by implication to prepare grants which are to have no validity unless confirmed by the Crown so that I humbly conceive that there is nothing in this Charter which prevents the Crown from granting these lands the sole legal right remaining still in the Crown. I required the Agent for Duke Hamilton to make out the right of the Duke to the 10,000 acres as is asserted in the letter of her Grace the Dutchess of Hamilton (31st May) and I find that there was a

1717.

grant in the 11th year of Charles I of that quantity of acres lying on the S.E. side of Sagadahock river to the then Marquis of Hamilton and his heires. But I do not find that the grantee or his descendants have taken possession or in any manner occupied the same which is attributed to the Civil Warrs in England that ensued after the said grant and to the other warrs of the Indians not many years after the Restauracon nor do I find that any other person have been in possession of the same. If so it would be hard for the Crown not to reserve such right in any future grant. As to Sr. Byby Lake's pretencons for himself and the others menconed in his Memorial I required some prooffe of the assertions of their right to the lands menconed therein and there were produced to me a conveyance under the hand and seal of Robert West Esq. to Sr. Byby Lake by vertue of a patent dated 6th Dec. in the 2nd year of James II and several authentick copies of ancient deeds which were purchased of Indians and English certified under the hand and seal of the Governour of the Province of Massachusetts bay which seem to convey a very good title to the Memorialists of the particulars hereafter menconed (vizt.) Rowsick *als.* Arrowsick Island lying on the East side of Kennebeck River Nequeasitt *als.* Negwesseg *als.* Negwassag bounded by Sagadiock River on the Western side thereof one great Pond lying on the North side thereof and the River commonly called Negwasseg River on the West side thereof And all houses and lands in Negwassett bounded by Sackrehock River on the West or Westerly and so to Merry-meeting Creek and from thence to the Northwards eight miles up into the country and from thence Easterly to Shipscott River and from thence to a place called Tapanegine Southerly and from thence all along Mounswaggen Bay and so along to Russeck and from Russeck to Tusseck and from thence to Merrymeeting all along Sackrehock River All lands upon the River of Kennebeck the bounds and limmitts whereof extend from the Northmost of a certain place called Caper Sacantry and on both sides of the aforesaid River of Kennebeck reaching ten miles into the woods on each side of the said River Kennebeck East and West and so extending Southward unto a certain place called and known by the name of a swome all which is about four leagues length South and North All lands lying on both sides Kennebeck River reaching ten miles into the woods on each side of the River beginning about half a mile above Swam Alley extending to the Northmost part of Caper Secontie *als.* Caper Sacantry which is in length up and down the River about 12 or 14 miles And all lands at and about Teconock *als.* Tockonock lying and being on both sides of the said River Kennebeck reaching tenn miles into the woods beginning at the lower end Neaguamer *als.* Neguamkett and so reaching up the River four miles above the falls of Tockonock All lands lying in and about Agnascorangan adjoyning to Kennebeck River on the Northwest and so South westward to the Southermost Island of Negnomkey and six miles from Tockonock falls Northeastward and so fifteen miles all along from the said River Kennebeck into the main land

1717.

Southeastwards and all houses edifices buildings lands grounds trees timber woods underwoods mines minerals feedings pastures moors marshes swamps meadows waters watercourses pooles ponds lakes rivers brookes cones innletts creakes bays fishing fowling hawking and hunting profitts priviledges advantages hereditaments and appurtts whatsoever in the North East part of New England in America. And the Memorialists' Ancestors were at great expence in improveing and maintaining the premisses but were unhappily driven from thence by the Indians and some of them particularly the said Sr. Byby Lake's grandfather destroyed by the Indians in defence of their possessions *etc.*, and the Memorialists have been at great expences to improve and resettle these premisses since H.M. happy acceesion and have settled a great many families thereupon and are now in quiet possession thereof. I am therefore humbly of opinion that in justice and equity these Memorialists the Duke Hamilton Sr. Bybye Lake and Ann the wife of Increase Mather Edward Hutchinson and Josiah Walco are entituled also to a reservation of their right to the premisses aforesaid respectively. *Signed*, Wm. Thomson. *Endorsed*, Recd., Read 19th Dec., 1717. $3\frac{3}{4}$ pp. [C.O. 5, 866. No. 131; and 5, 915. pp. 70-77.]

Dec. 18. **262.** Deposition of Mrs. Wensley, wife, and Mrs. Low daughter of George Wensley Fishmonger of London. In 1715 George Wensley discovered the receipt for pickling and curing sturgeon to John Plowman who had no other knowledge of it *etc.* *Signed*, Anne Wensley, Anne Low. *Endorsed*, Recd. 19th Dec., 1717, Read 24th Jan., 17 $1\frac{1}{8}$. $\frac{3}{4}$ p. [C.O. 5, 866. No. 134.]

Dec. 18. **263.** Mr. Popple to Mr. Attorney General. Encloses for Whitehall. his opinion in point of law two Acts pass'd in Virginia, *prohibiting the unlawful assembly of Quakers and concerning foreign debts.* [C.O. 5, 1365. p. 19.]

Dec. 18. **264.** Order of King in Council. Approving draught of St. James's. Instructions to the Governor of Jamaica, presented Oct. 11th (*q.v.*), excepting in the 95th Article wherein the words (That is to say from the Saturday to the Monday) are to be left out, *etc.* *Signed*, Edward Southwell. *Endorsed*, Recd. 30th, Read 31st Jan., 17 $1\frac{1}{8}$. $1\frac{1}{2}$ pp. [C.O. 137, 12. No. 112; and 138, 16. pp. 63-65; and 5, 189. p. 334(a).]

Dec. 18. **265.** Mr. Popple to Mr. Charles Stanhope. The Council of Whitehall. Trade and Plantations desire the Lords Commrs. of the Treasury to instruct Mr. Cratchrode to attend the Attorney and Solicitor General with such papers as they shall furnish him with in order to attend in behalf of H.M. at their hearing of Col. Codrington on his petition. [C.O. 153, 13. pp. 185, 186.]

Dec. 19. **266.** Mr Attorney General to the Council of Trade and Plantations. *Reply to No. 232.* Mr. Cockburn's petition (Nov. 21st) is unadvisedly framed, for that H.M. cannot by law give a

1717.

direction to any Court for to rehear any cause depending therein, but rehearings are granted or denied by Courts of Equity on petition of the parties grieved to such Court as shall be judged proper. And as to the Instructions given to the Governour mentioned in the petition, whereby he is restrained from allowing of an appeal in any case under the value of £500 sterling, that does restrain the Governour only from granting of appeals under that value, Notwithstanding which it is in H.M. power, upon a petition to allow an appeal in cases of any value, where he shall think fit, and such appeals have been often allowed by H.M., but I think the reference to your Lordships. in that matter is improper, for petitions for appeals from decrees given in the Plantations have been always referred to a Committee of the Council for hearing the causes of the Plantations, and on their report that it is proper to allow the appeal prayed for, H.M. in Council has usually allowed the same and not in any other manner. I have perused the decree and think the petitioner has great hardship therein, and that upon a proper application he may obtain an appeale in that case. *Signed*, Edw. Northey. *Endorsed*, Recd. 20th Dec., 1717, Read 20th Jan., 1718. 2½ pp. *Enclosed*,

266. i. Copy of No. 218. i.

266. ii. Copy of Wm. Congreve's Patent to be Secretary of Jamaica.

266. iii. Copy of Article 44 of H.M. Instructions to the Governor of Jamaica. [*C.O.* 137, 12. *Nos.* 110, 110 i.-iii. ; and (*without enclosures*) 138, 16. pp. 55-58.]

Dec. 19. **267.** Mr. Solicitor General to Mr. Popple. *Reply to No.* 253. The Act about *fees and ferriages*. I think it is a restraint upon the liberty of the subject in selling and in working for what may be judged a reasonable price or hire and may be so agreed upon between both ptys. and may be more than this Act allows yett the penaltys are very severe upon them if they take more 'tis reasonable and usual in most countrys to omitt the fees of publick officers But whither this general restraint as also that no ferrys shall be sett up without licence be for the service of the country I must submitt to their Lops. The Act *that the solemn affirmation of the people called Quakers shall be taken instead of an oath* goes further than is allowed to them in England they cannot be witnesses or have concern in criminal causes or have offices *etc.* But whither the necessity in that country may not require a greater indulgence to them their Lops. best know. I have no objection in point of law to the Act to *enforce the ordinance for establishing fees* nor to that *for exporting wheate etc. out of the Eastern division*. *Signed*, Wm. Thomson. *Endorsed*, Recd. 20th Dec., 1717, Read 21st Jan., 1718. 1 p. [*C.O.* 5, 971. *No.* 65 ; and 5, 995. pp. 421-423.]

[Dec. 20.] **268.** Thomas Coram to the Council of Trade and Plantations. Some remarks upon the Solicitor General's report, Dec. 18. The underwritten Thomas Coram prayes to say That as there

1717.

was never any grant or patent to the Marquiss of Hamilton for 10,000 acres within this tract nor any manner of improvements by him made on any lands there he beleives your Lordships will have reason to declare the Duke's pretensions to be of no effect. The conveyance from Robert West to Sr. Bibby Lake was made since the late Peace and got on purpose to prevent this settlement. Robert West could have no power to make conveyancy of any lands there if his kinsmen in whose right he claim'd had had any good title himself, for that all those lands were conquerd by the French and remaind in their possession many yeares in peace and in warr (as may appear by Lord Bellemont's letter of 15 July 1700) and stil continu'd to the French until recoverd by conquest 1710 at the charge of the Crowne and confirm'd to it by the 12th Article of the late Peace. Sr. Bibby Lake's purchases of single Indians cannot be of any value for those single Indians when drunk woud for a bottle of strong lequers signe any paper presented to them which conveyancies the Tribe will never consent to and that was the true cause of so many of H.M. subjects being murderd. Those deeds being certified under the hand and seale of the Govr. of the Massachusetts Bay is something very extreordinary and is what the Govrs. who were annually chosen by the people (and not by the Crowne) would not have done had it not been to give it a kind of a coulour of right to themselves and their friends for the Governour of the Massachusetts had no more right to concern themselves with any land in this tract than the people of Guarnezy or Jersey have to the Highlands of Scotland. If those grants from the Indians should be confirm'd it would create new warrs with the Indians and make it impracticall ever to settle this noble tract of 180 miles front to the sea for raising Naval Stores or be any wayes advantageous to the Crowne. This tract of land is not desird for ye intrest of privat persons but to have it an intire Province on a better foot than most of the other Plantations for ye service of H.M. and the publick benefits of the Kingdome. *Signed*, Tho. Coram. *Endorsed*, Recl., Read 20th Dec., 1717. *Holograph*. 2 pp. [C.O. 5, 866. No. 132.]

[Dec. 20.] **269.** Joseph Micklethwaite, Tho. Reynolds and Anthony Cracherode to the Council of Trade and Plantations. Since our Memorial (Nov. 18), we have been advised that it will be more acceptable to the Governour and people of Barbadoes that we should seek redress agt. those laws from themselves, than that we should endeavour to obtain orders to be sent to them from hence, for wch. reason we beg leave to withdraw our sd. memorial. *Signed*, Jo. Micklethwaite, A. Cracherode. *Endorsed*, Recl. Read 20th Dec., 1717. $\frac{1}{2}$ p. [C.O. 28, 15. No. 27; and 29, 13. p. 448.]

Dec. 20.
South Sea
House. **270.** Daniel Wescomb to Mr. Popple. Encloses following. *Signed*, Daniel Wescomb. *Endorsed*, Recl., Read 20th Dec., 1717. $\frac{1}{2}$ p. *Enclosed*,

Wt. 441.

O.P. 9.

1717.

270. i. Copy of Act of Jamaica for imposing a duty on exported negroes, Aug. 31, 1717. $2\frac{1}{2}$ pp.

270. ii. Extract of letter from Agents of the South Sea Company at Jamaica to the Court of Directors. Give instance of payment of above duty by a ship merely calling at the port. By this new Law, if your vessels come in sight of Jamaica (for some of the Cays belonging to it are almost out of sight of it) they'l expect the duty of 40s pr. head, *etc.* The people in this Country deem all laws to be good (tho H.M. should reject them at home) to the time his pleasure is known here. 1 p. [*C.O.* 137, 12. Nos. 104, 104 i., ii.; and (*without enclosures*) 138, 16. p. 31.]

Dec. 21.
Jamaica.

271. Peter Heywood, Commander in Chief of Jamaica, to the Council of Trade and Plantations. *Refers to letter of 11th Oct. Continues*:—I think the pyrates daily increase takeing and plundering most ships and vessells that are bound to this Island severall of which they keep particularly the *Mary* of Bristoll with all her cargoe, three of them have very lately landed on the Leewd. part of this Island abused the inhabitants and took away what they thought for their purpose, so that no ships that are bound for Great Brittain dare stirr without a convoy which made me with the Councill address Capt. Candler to stay in these seas, and convoy the ships now ready, that Capt. Reynolds in the *Adventure* might have time to careen wch. he writt me would take at least two months the greatest part of his sheathing being decayed and the uncertainty when Capt. Jacob might return from La Vera Crux. *Signed*, Peter Heywood. *Endorsed*, Recd., Read 10th March, 1717. 2 pp. [*C.O.* 137, 12. No. 123; and 138, 16. pp. 96, 97.]

Dec. 21.
Whitehall.

272. Council of Trade and Plantations to the King. *Representation upon petition of South Sea Company, 31st Oct.* We have carefully perused the Act of Jamaica complained of, to impose dutys on several commoditys to defray the extraordinary charge of the Government, wch. contains many matters and clauses liable to objection besides those complain'd of by the South Sea Company; and we shou'd have some time since laid before your Majesty our opinion, concerning this Act, if the same had not been expir'd; But considering what has been lately offer'd to us by the petitioners on this occasion, relating to a design of renewing the said Act from time to time; we shall in the first place humbly inform your Majesty of the state of the matter now in question, as it appears to us from the arguments that have been offer'd by some Directors of the South Sea Company in support of their petition on the one part and from the facts and usage alledg'd by several gentlemen and planters of the Island in justification of the duty laid by this Act on the other side; after which we shall make our observations on such other parts of the sd. Act as to us appear highly unreasonable. The Company have produc'd to us extracts of sevl. letters from their Agents, whereby

1717.

it appears, that this duty has been demanded of them, not only for the negros bought in the Isld. but likewise for such as have been landed there for refreshment and recovery of their health, and also for those who have put into port, tho' they never sett foot on shore, wch. the Company conceive to be as unreasonable as if a duty should be laid on all ships that put into the Island for wood and water, a liberty that has never been refus'd, even to foreigners in amity with your Majesty in any part of your Dominions. The Directors did not seem to think themselves so much aggriev'd by the duty on Exportation of negros bought in Jamaica, as on the re-exportation of those brought in for refreshment and the tax upon such as were never landed, tho' they do conceive that they ought to be free from dutys in all these cases, because there were no dutys in Jamaica on the exportation of negros at the time of making the Assiento contract, which being a publick and national agreement between the Crowns of Great Britain and Spain, they do conceive it wou'd be very unreasonable that they shou'd be renderd less capable to perform the same by any law made subsequent to the said contract more especially in the Plantations, whereby the trade of the Mother Kingdom will be affected. They did likewise further alledge that they had reason to believe the present duty was the effect of some persons' resentment there, whom the Company had refus'd to employ as their Agents ; For altho' there had formerly been such a duty in Jamaica yet it had been discontinued (as they were informd) for 8 or 9 years past as being found inconvenient for the Island. But since they found themselves thus hardly treated they had already orderd three of their ships to touch at Barbados instead of Jamaica, and shou'd be oblig'd to give the like orders to all the rest, if this duty be continued ; Whereby the Island wou'd be depriv'd of the many advantages the people of Jamaica do at present reap from the Company's ships touching there, and which are very considerable not only upon account of the great expence their sailors make there, whom they pay in the Island, but likewise by reason of ye refreshments bought there for the negros ; and because this trade doth necessarily occasion greater numbers of vessels to come to the Island from H.M. Plantations on the Continent of America with provisions, wch. causes a great circulation of Trade there ; Besides that the Company do frequently hire sloops in the Island for transporting their slaves after they are refresh'd to the Spanish Continent, and their own ships being oblig'd either to return home empty or accept of a moderate freight, the inhabitants of Jamaica do thence obtain an opportunity of sending home the product of their Island on much cheaper terms than formerly. On the other hand, the Gentlemen of Jamaica, who have attended us in behalf of the Island, do say, that the Assiento being soley in the South Sea Company, exclusive of all interlopers, is a great detriment to Jamaica, where formerly the inhabitants had a considerable trade in negros by connivance to the Spanish Coast—That it is absolutely necessary for the support of the Government of Jamaica to raise taxes on the Trade

1717.

as well as the inhabitants there—That Sr. James Castile, who in King Charles the second's and in King James the second's reigns had the Assiento to himself and Company being Portugueeze, always paid the said duty now complain'd of; and that the same has at different times been laid by Additional Duty bills for these 20 years past—That Sr. James paid as well for those negros that were landed only for refreshment as others—That the same duty was paid by the inhabitants of Jamaica, even when they carry'd negros to New York or any other of the Plantations belonging to Great Britain—That the present Assiento takes away the best negros from Jamaica to the Spaniards, leaving only the worst for the use of your Majesty's subjects, unless they give as high a price as the Spaniards, which occasions great inconvenience and expence to the Planters—That as to the advantages wh. the Company do affirm the Island dos receive from their Trade they woud much rather forego the same than be depriv'd of the liberty of laying impositions in such manner as may inable them to support the necessary expences of the Govt. by methods least grievous to the inhabitants. Upon due consideration therefore of all that hath been offer'd on both sides in relation to this affair, We are humbly of opinion that how just soever it may be that the people of Jamaica shou'd be left at liberty to lay such dutys as they shall think necessary for the support of your Majesty's Government there on negros bought in their own Island, it cannot be reasonable, that they shou'd lay a tax upon negros landed there by the South Sea Company for refreshment, and much less on such as do only put into their harbours for wood and water, because this wou'd be an oppression upon the South Sea Company and consequently support Jamaica at the expence of the British Trade, nor can precedents of the like duty drawn from former times, whilst the Assiento was in the hands of foreigners in any sort justify the like proceeding in the present case, the sd. contract being now vested in your Majesty's own subjects in whose loss or gain, the whole Kingdom of Great Britain is immediately concern'd; And therefore we humbly offer that your Majesty's pleasure be signify'd to the Governor of Jamaica, that he do not pass any law for the future, that shall lay a duty upon the re-exportation of negros that have been brought thither only for refreshment, and much less on such as touch in the ports of Jamaica without landing there. And now we shall beg leave to mention some other objections to this Act:—That it lays a higher duty upon the trade and shipping of all other your Majesty's subjects, than those of Jamaica. That the inhabitants of the two parishes of St. Jago de la Vega and Kingston are to pay 12*d.* pr. pound for the rent of every house, altho' the rest of the Island is not charg'd with any tax on that account, and we cannot conceive why those particular parishes shou'd be distinguish'd in this manner from the rest. That by this Act Commissioners are appointed to receive and to distribute the mony arising thereby with an allowance of 7½ p.c., in diminution of your Majty's. Royal Prerogative and in prejudice of the Receiver General, your

1717.

Majesty's Patent Officer, these Commissrs. are to give bond of £8000 for the due execution of the Act; and notwithstanding they shall have perform'd all that is requir'd by the Act and by consequence the bond become void, it is not to be cancell'd but in the presence of the President of the Council and of the Speakers of the Assembly, and if any person shall presume to do or advise the contrary, they shall forfeit double the penalty of the bond, without allowing any pardon or *non vult ulterius prosequi*. Besides in several other clauses of this Act, your Majesty's prerogative of pardon or granting a *non vult ulterius prosequi* is taken away. In order therefore to prevent such inconveniencys and absurditys for ye future; We are humbly of opinion, it may be convenient your Majesty's Governor of Jamaica shou'd be made acquainted with the objections we have to this Act, and be particularly injoin'd carefully to observe the several Instructions given him by your Majty., with relation to the passing of laws in that Island, more especially in such cases where your Majesty's Royal Prerogative or the Trade of Great Britain may be any ways affected, wch. precaution will be still more necessary in the passing of mony bills, than those of any other nature, because generally they have their duration, but for one year and frequently have their effect before your Majesty's royal pleasure can be known concerning them. P.S.—Since the close of the foregoing Representation, we have reced. a further information from the South Sea Company, that the foremention'd Act was renew'd in Augt. last, and the former duty of 20s. on negros continued with an addition of 20s. more on ye negros belonging to the South Sea Company only. [C.O. 138, 16. pp. 32-43.]

Dec. 23. **273.** Mr. Attorney General to the Council of Trade and Plantations. *Reply to No. 216.* The said Additional Act of *Barbados* is to constitute a new Commissioner and a new Marshal (those mentioned in the first Act being dead or removed) to execute the powers in the original and this Additional Act, in part executed or not executed. And provides several remedies where moneys bid on sales at outcrys pursuant to the first Act have not been paid, and lays several penalties on such bidders not paying what they shall have bid, and impowers a person to bid, in behalf of the Government, where no person appears to bid, by which I apprehend is meant a real bidder; for in the oath of the person impowered to bid, he swears he will not bid, but where no other person will bid, or unless a person shall endeavour to purchase the lands at an under rate, and swears he will not exceed in such bidding two thirds of what he shall in his conscience esteem the land to be worth, which seems to be a penalty on the owner for keeping away bidders. Otherwise I don't see why the bidder should not give the value of the estate. And the said Additional Act gives several powers for the better executing the design of the former Act, which was to discharge the debts and engagements contracted by reason of an Act to *supply the want of cash etc.* (commonly called the Paper Act) which was repealed by her late Majestie, and I have no objection in point

1717.

of law agst. the said Additional Act. There is therein a pritty extraordinary punishment on persons bidding for lands which they were then incapable of paying for, vizt. imprisonment for a year, to be set in the pillory, and to have their ears cut off, but that being only for persons, who knew their own inabilities I have no objection thereto. *Signed*, Edw. Northey. *Endorsed*, Reed. 24th Dec., 1717, Read 2nd Jan., 1718. 1 $\frac{3}{4}$ pp. [C.O. 28, 15. No. 28; and 29, 13. pp. 444-446.]

Dec. 23.
Boston,
N. England.

274. Josiah Willard, Secretary to the Massachusetts Bay, to Mr. Popple. I have thought it proper to advise you of my arrival here, that (if it be necessary) the Lords Commissioners may know that I am no longer absent from my post, *etc.* I must use this opportunity of recommending to you an affair in wch. I am deeply interested. The first Act of the Assembly of this Province relating to fees was made in the fourth year of William and Mary, and among other articles referring to the Secretaries fees are these two Every Order of Council for the benefit of particular persons 2/6. Every petition to the Governor and Council or Genl. Assembly from 2/6 to 10/s. In the first year of his present Majtie's. reign an Act pass'd entituled *an Act in addition to an Act for regulating fees*, the words of wch. are as follows, Whereas in the aforesaid Act there is not mention made of the fees to be taken for many things wch. may from time to time be enter'd, recorded, registered and copied either in the Secretaries or Clerks Offices of the several Courts within this Province; Be it therefore enacted *etc.* that no officer whatsoever shall ask, demand and take any more than 12 pence a page for the entering, recording registering and copying all and every matter and thing whatsoever. The design of wch. Act was not only to prevent any demand of extravagant fees, but also to state and appoint fees for such work as was never in any former Acts mentioned, as is plain both by the Preamble of this Act, and by the consequent practice of the House of Representatives, who pass'd Mr. Woodward the late Secretaries accts. without the least demur, in wch. he charges twelve pence a page for entering and copying the public transactions of the Governmt. In the Sessions of the Assembly held in May last an Act pass'd entituled *an Act in addition to and explanation of two Acts* (the Acts before mentioned). The body of wch. Act is in these terms; viz., Be it enacted *etc.* that no fee whatsoever shall be due or demanded in the Secretaries Office, for any Order of the Govr. and Council for the payment of any public debts of and from the Government: and that the fee for any petition to the Govr. and Council referring to any debt of the Province as aforesaid be 2/6 and no more: that no fee whatsoever shall be due or demanded in the said Office for any other copies or copying than such as are taken from fair entries, registers or records, and those only for a private use and not for the service of the Governmt. This Act is really a repeal of the two former Acts. The Act with some others is sent Home for the Royal Assent *etc.* I hope their Lordships

1717.

will be so good Guardians of such offices as are in H.M. gift as not to think Acts of that kind fit to pass ; for by the last clause of this Act the heaviest and most troublesome business in the Secretaries Office must be done without the least consideration of profit ; and the salary is so scandalously small, as not to amount to more than £40 sterling. Besides I cannot think it in the power of the Governmt. here to take off the fees of any offices that are held by Lettrs. Patent under the Great Seal, after they have by their own Acts stated and settled them. I entreat your friendship in making a proper representation of the great injury done to the Secretaries Office by this Act. Please to give my service to Mr. Bamfield, and assure him that if I can be useful to him in anything that may fall in my way on this side the water, I shall very readily embrace the opportunity *etc.* Signed, Josiah Willard. Endorsed, Recd. 25th Feb., Read 4th March, 171⁷/₈. Addressed. Holograph. 2 pp. [C.O. 5, 866. No. 141 ; and 5, 915. pp. 93-96.]

Dec. 24.

275. Mr. Attorney General to the Council of Trade and Plantations. *Reply to queries of No. 213.* I do most humbly certifie your Lordships that by the Charter of King Charles II, dated the 10th of October in the 28th year of his reign, H.M. did grant and declare, that the Governour and Council of Virginia for the time being, and in the absence of the Governour, the Deputy Governour and Council or any five or more of them (whereof the Governour or his Deputy to be always one) should have full power and authority to hear and determine all treasons, murthers, felonies and other offences to be committed or done within the said Government, so as they proceed therein as near as may be to the Laws and Statutes of England ; By which H.M. did erect a Court in the Governour and Council of Virginia for the time being with power to take cognizance of all crimes whatsoever, and did no more thereby than what the Crown does in all cases erecting Courts, and might and may notwithstanding such grant, appoint other Courts, who shall have concurrent jurisdiction with that Court, for the Crown hath not thereby excluded it's authority of erecting other Courts of the like nature. But by the Book entituled The Laws of Virginia now in force, published in the year 1662 before the making of that Charter, it does appear, that there was a Court in Virginia called the General Court held before the making of those Letters Patents, which must be presumed to have been erected by some former Letters Patents ; For by the 19th Act it appears, that the General Court was before called Quarter Courts, and by that Law the name is changed from Quarter Courts to that of General Courts, *etc.* ; And in the 24th chapter for the regulating the proceedings in that Court it is enacted, that all criminal causes that concern either life or member, shall be tryed at the General Courts, only the fourth day of the said Courts, Which I am of opinion, did not in any sort restrain criminal causes to be tryed in other Courts, but did provide that all criminal causes that should be tryed at the General Courts, should be tryed only on the fourth day of the said Courts. Several of the subsequent laws therein are

1717.

touching the proceedings of that and other Courts then in being. The next Act taken notice of, was made 23rd Oct., 1705, *for establishing the General Court*, whereby for continuing, constituting and erecting competent Courts it is enacted, that at some certain place, to be lawfully appointed, and at such times as in the Act is directed, there should be held one principal Court of Judicature for Virginia, which should be and is thereby established by the name of the General Court of Virginia, and shall consist of H.M. Governour or Commander in Chief, and the Council for the time being (any five of them to be a quorum) and they are thereby declared and appointed Judges or Justices to hear and determine all suits and controversies, that should be depending in the said Court. Which was a further Act confirming the General Court and the Judges therein, which in no sort excludes H.M. power of appointing other Courts of concurrent jurisdiction. And in the said Act there are divers rules for governing the Judges and suitors in their proceedings, and also a clause taking notice that, forasmuch as several fines and forfeitures by that and several other Acts, were or might be directed to be recovered in any Court of Record, it is by that Act declared, that the General Court and the County Courts should be deemed and taken to be the only Courts of Record in that Dominion, and that no other Court or Courts whatsoever should be construed, deemed or taken to be such ; Which I am of opinion did not carry any restriction to H.M. from making other Courts of Record, but that forfeitures to be recovered by Act of Assembly in Courts of Record, should be recovered in those Courts therein mentioned. Besides by the Act made 25th Oct. in the ninth year of the reign of Her late Majesty Queen Anne for explaining the aforementioned Act, it is enacted, that nothing in that Act contained should be construed, deemed or taken to derogate from, lessen or abridge the Royal power of H.M. her heires and successors, of granting commission or commissions of Oyer and Terminer and of constituting and erecting such other Court or Courts of Record, as H.M., her heires or successors, by Her or their commission or commissions, instruction or instructions to Her or their Governr. or Commander in Chief of that Colony and Dominion, for the time being, should direct, order or appoint. By which it's most plain, that notwithstanding the being of the General Court with such powers as aforesaid, even by the words of that Act the power of appointing special commissions of Oyer and Terminer *etc.*, was and is in the Crown, and is well given to the Governour by his commission ; And in such special commissions of Oyer and Terminer, such persons may be appointed Commissioners therein, with or exclusive of the Council there ; But I am of opinion, the Governr. or Lt. Governr. and Council, being appointed Judges of the General Court, H.M. Governour by virtue of any power or authority, cannot constitute or empower any other persons to be Judges in that Court, that Court and the Judges thereof being constituted by Letters Patents, and confirmed by Act of Assembly. I have considered the objections made against H.M.

1717.

power, and so far as they are founded upon the Charter or Acts of Assembly, I have hereinbefore given my opinion thereon; What remain are only arguments *ab inconvenienti* and from the fatal consequences represented to be, if a Governr. should have power to appoint Judges to try people for their lives; To which I am of opinion, they are not arguments against the power but against the use of it, and peradventure in case of bad Governours there might be such consequences at a distance from England, And in regard by the Act of 1705 the General Court is to be held the 15th April and the 15th Oct. and to continue for 18 days, H.M. may be pleased for the preventing of inconveniencies, and quieting the minds of His subjects there, by His Instructions to the Governour, to restrain his power of issuing special Commissions of Oyer and Terminer, except in cases of extraordinary emergencies, and in the vacancy of the General Court. *Signed*, Edw. Northey. *Endorsed*, Recd. 24th, Read 31st Dec., 1717. $4\frac{3}{4}$ pp. [C.O. 5, 1318. No. 41; and 5, 1365. pp. 29-36.]

Dec. 24. **276.** Accounts of the victualling of the Garrison at Annapolis Royal, 25th June—24th Dec., 1717. 30 pp. [C.O. 217, 38. No. 2.]

Dec. 24. **277.** Mr. Carkesse to Mr. Popple. *Reply to 18th Oct. (q.v.)*
 Custome ho., London. The Commrs. having formerly received an accompt that foreign sugars etc. were frequently imported into H.M. Plantations and from thence brought to Great Britain, and entred as sugars etc. of H.M. Plantations they directed the Collectrs. and Naval officers in the several Plantations, in order to prevent frauds in the importing such goods into this Kingdom, to give this Board notice from time to time when any should be ship'd from their respective districts for this Kingdom, whereby, if the officers in the Plantations do transmit such accompt as is directed, all foreign sugars etc. on importation into Great Britain, will be obliged to pay such Customs as the Law directs. And the Commrs. having read and considered the said Act, have directed me to transmit to you their observations thereon which are enclosed. The Commrs. have also directed me to acquaint you, that Mr. Perrie late Surveyr. Genll. of Barbados and ye Leeward Islands did some time since inform them that the Governr. and Assembly of Antego had voted an Address to H.M. for obtaining four places to be appointed in that Island for collecting the duties of $4\frac{1}{2}$ p.c., which permission would not only very much encrease the charge of management in that Island, but be of other ill consequences to the Revenue there. Wherefore the Commrs. desire they may have an opportunity to give their opinion, if there shall be occasion, before any Order goes for appointing those places etc. *Signed*, Cha. Carkesse. *Endorsed*, Recd. 24th Dec., 1717, Read 21st Jan., 1717 $\frac{1}{8}$. *Addressed*. $1\frac{1}{2}$ pp. *Enclosed*,
 -277. i. Observations by the Commissioners of Customs on an Act past in Antigua 19th June, 1716. (i.) The prohibiting the importation of foreign sugars etc. into the said Island will lessen H.M. Revenue there granted

1717.

by an Act past in the said Island 1715 which is repeated by the said Act of 1716. (ii.) The clause empowering the Treasurer of ye Islands or Deputies appointed by him to seize, in case of the neglect or refusall of the Officer of the Customs for the space of four hours after information shall be given seems to disqualifie the Officers of the Customs, on one single neglect or refusal for ever, tho' they should be necessarily employed in the execution of some other part of their duty. (iii.) The penalty of felony laid upon any shipper or master of ship etc. who shall resist the officers in the execution of this Act, seems very severe and no way adequate to the offence. (iv.) The clause directing the Treasurer to pay for all sloops or boats which shall be lost in putting this Act in force, the damage to be adjusted by two persons one chose by the Treasurer and the other by the owner, does not make any provision, for adjusting the damage, in case the parties so chosen do not agree. 1 p. [*C.O.* 152, 12. *Nos.* 60, 60 i.; and 153, 13. pp. 191-194.]

Dec. 25. **278.** H.M. Commissions to Thomas Mathews to be second Lieutenant, and to Thomas Ockold to be third Lieutenant of the Independant Company of Foot in the Bahama Islands. [*C.O.* 324, 33. p. 117.]

Dec. 25. **279.** Petty expences of the Board of Trade, postage, stationery etc. from Michaelmas to Christmas, 1717. 4 pp. [*C.O.* 388, 77. *Nos.* 40, 42, 44.]

Dec. 27. **280.** Mr. Burchett to Mr. Popple. My Lords Commissrs. of the Admiralty having received a letter from Mr. Nicholas Coleman dated at Jamaica 20th March 17 $\frac{1}{2}$, by which he complains that the present Govr. hath taken from him the keys of H.M. Naval Storehouse there, send you enclosed letter and agreement made, by direction of the then Board of Admiralty, with Mr. Coleman, for repairing the storehouse, and desire the Lords Commissrs. of Trade and Plantations to send directions to the Governor, not only to cause the key of the storehouse, but the storehouse itself to be put into his possession etc. Signed, J. Burchett. Endorsed, Recd. 27th, Read 31st Dec., 1717. 1 p. Enclosed,

280. i. Extract of letter from Capt. Balchen, H.M.S. *Diamond*, to Mr. Burchett, 4th May, 1716. Encloses following etc. 1 p.

280. ii. Copy of agreement made between Capt. Balchen and Mr. Coleman. The Naval Storehouse at Kingston is left in Mr. Coleman's hands for repairs, etc. 26th Feb., 1715. Signed, John Balchen, Nicho. Coleman. 2 pp. [*C.O.* 137, 12. *Nos.* 105, 105 i., ii.; and (without enclosures) 138, 16. p. 44.]

1717.

Dec. 28.

281. Mr. Attorney General to the Council of Trade and Plantations. *Reply to No. 263.* I have considered of an Act of Virginia *prohibiting the unlawfull assembling of Quakers*, pass'd in 1663 ; Whereby the assembling of Quakers for religious worship is prohibited, for the first offence each Quaker is to forfeit 200 lb. of tobacco, for the second offence 500 lb., for the third, to be banisht that Colony to such place as the Governour and Council shall appoint : And there is a penalty laid on masters of ships bringing Quakers to reside there, unless exported from England by vertue of the Act hereinafter mentioned, and the said masters are enjoyned to carry them away again, with other penalties ; the intent thereof seeming to be that no Quaker should live in Virginia. Which Act was drawn and pass't there according to an Act pass'd in England in the 13th—14th years of King Charles II *for preventing mischeifs and dangers that may arise by certain persons called Quakers etc.* : from the penalties of which Act in England, the Quakers being freed by the Act of the first year of King William and Queen Mary *etc.*, I have no objection agt. H.M. giving the same liberty to Quakers in the plantations as hath been given to those in England, which may be done either by repealing the Virginia Act, if not already confirmed, or in regard the law was made so long since, and it may be necessary to oblige them to make declarations instead of oaths, by directing the Assembly of Virginia to repeal the same and enact a new law. And I have also considered of the Act *concerning foreign debts*. Whereby it is declared, that no debt whatsoever is pleadable agt. any inhabitant, but for goods imported into that country, the meaning whereof, is, that persons indebted in England may remove themselves into Virginia, and have the priviledge there not to be sued for those debts, which will be a convenience for the inhabitants of that Colony but will be a great means to defraud the people of England of their just debts. Wherefore I am of opinion, that law is not proper to be confirmed by H.M. but to be rejected. *Signed*, Edw. Northey. *Endorsed*, Recd. 30th Dec., 1717, Read 21st Jan., 171 $\frac{7}{8}$. 2 pp. *Enclosed*,

281. i. Copy of Act of Virginia, 1663, *prohibiting the unlawful assembling of Quakers*. 5 pp.

281. ii. Copy of Act of Virginia, 1663, concerning foreign debts. $\frac{1}{2}$ p. [*C.O.* 5, 1318. *Nos.* 42, 42 i., ii. ; and (*without enclosures*) 5, 1365. pp. 36—39.]

Dec. 30.
Whitehall.

282. Mr. Popple to Sr. N. Lawes. The Council of Trade and Plantations desire an account of what you know concerning the affair of the Naval Storehouse at Jamaica (*v.* 27th Dec.) [*C.O.* 138, 16. p. 45.]

Dec. 30.
Portsmouth.

283. Mr. Bridger to Mr. Popple. I find there has been a great distruction in H.M. woods in my absence, perticularly about Exeter, where out of 70 trees marked there is but one remaines, this was done during the time of one George Vaughan was Leift. Governr., who put out those persons I had deputed,

1717.

and put in creatures of his own, wch. suffered anything to be done as would please the people, for as long as there are New England persons Governrs. the King must not expect any justice as to the woods, for all the people on the frontiers depend on the woods for their livelihood and say the King has no woods here, and they will cut what and where they please as long as the Charters good. I have deputised seven persons well knowing in the woods and people of good repute, but cannot give them any reward so what may be expected from them I humbly submit to their Lordships but I shall see that they do there duty, as far as lies in me, there are two persons now wanting in the Council and if their Lordships think me a proper person to fill one of these places it would give me a litle more power in this Province and more respect. Capt. Gerrish is dead, and Capt. Wentworth made Lieut. Governor *etc.* The circuit of my survey here is 78 miles, from Almsbury to Sacco, *etc.* P.S.—I humbly aske pardon for this scrawl but the weather is so very cold I cannot write three words before the ink freezes. George Vaughan is coming to England to turn us all out that belongs to H.M. and to get any of our places *etc.* *List of his 7 deputies. Signed, J. Bridger. Endorsed, Recd. 27th Feb., Read 4th March, 1717.* *Torn. 2½ pp. [C.O. 5, 866. No. 140; and 5, 915. pp. 90–93.]*

Dec. 31.

284. James Smith to the Council of Trade and Plantations. Appointed Secretary of New Jersey in 1715 by H.M. Letters Patent, upon his arrival there petitioner found that by some Acts of the late Assembly, the fees and profits of that Office were so reduced, that it was not possible for any one to subsist on them. These Acts were made on purpose for the punishment of Jeremiah Bass, at that time Secretary, and guilty of many ill practises in the said Office. The Governour was induced to assent to them upon the repeated assurances of the Assembly that they would repeal them whenever another Secretary should be sent over. That Assembly being dissolved, by the death of the late Queen, nothing was to be expected in favour of the officers of the Crown, from the next Assembly, severall of the Members haveing given out, that they had people enough of their own to execute the said office, and if the King wou'd send over officers they wou'd take care to make it not worth their while. With the Governour's approbation, *prays* their Lordships to take the matter into their consideration. *Signed, James Smith. Endorsed, Recd. 31st Dec., 1717, Read 27th Jan., 1718.* 1 p. [C.O. 5, 971. No. 68.]

[1717.]

285. List of reports from the Secretary at Warr *etc.* relating to Placentia and Annapolis Royal. 1715–20th Feb., 1717. 1½ pp. [C.O. 5, 4. No. 16.]

[? 1717.]

286. Memorial from Sundry Merchants to Mr. Secretary Addison. Recommend Capt. Woodes Rogers, “who has made

[? 1717.]

very advantageous proposals for effectually settling and securing "the Bahama Islands *etc.* *Signed*, Sam. Buck, Elias Pearse, Rob. Heysham, Sam. Shepheard, Alex. Cairnes, John Meriwether, Robert Chester and 28 others. *Without date.* 1 p. [C.O. 23, 12. No. 75.]

1717.

287. Governor Woodes Rogers to the King. Asks for despatch of guns and ammunition for the Bahamas, and that the Independent Company intended for the garrison may be placed upon the establishment. Offers to victual them at 6d. per head per diem for the first year with provisions from the Plantations, *etc.* Estimate of charge to the Crown. *Signed*, Woodes Rogers. $1\frac{1}{2}$ pp. [C.O. 253, 1. No. 2.]

[? 1717.]

King's Street,
Golden Square.

288. Mrs. Mary Hemsley, of Maryland, to the King. Governor Hart, promoted to that station in 1714, by the interest of the late Duke of Ormond, has during his administration shew'd great favour to the Papists and Jacobites, and discouraged your Majesty's Royal subjects. There are frequent seditious healths drank, and Mr. Hart has discountenanc'd the discoverers, tho' of the greatest rank in the Country. Upon your Majesty's last Birthday, Mr. Hart made an entertainment, where Papists and Non Jurors, were chiefly respected, and tho' the King's health was drank, yet most omitted your Majesty's name. Through these encouragements, on the 10th of June last, being the Pretender's Birthday, the gunns were fired in the publick seat of Government, the Pretender's health drank, by the name of King James the Third. And great pains taken to influence the people they had better be under a Popish, than Presbyterian Governmt. So that we have the greatest occasion of a Gentleman that is known to be well affected to your Majesty, *etc.* *Signed*, Mary Hemsley. *No date.* 1 p. [C.O. 5, 720. No. 26.]

[? 1717.]

289. Thomas Macnemara of Annapolis, Maryland, to the King. *Prays for the recall etc.* of Governor Hart, he having in May, 1715, in partnership with some of the principal inhabitants, imported in a vessel belonging to him and others wines sugar, *etc.* from Lisbon, contrary to the Acts of Parliament, and so farr awed or influenced the Custom Officers, that they required no entry to be made of the said goods. Information was given to the Attorney and Advocate General, but he, being appointed by Hart, refused to prosecute him, *etc.* *Signed*, Tho. Macnemara. *No date.* 1 p. [C.O. 5, 720. No. 15.]

1717-1719.

290. Naval Officer's Returns, S. Carolina. [C.O. 5, 508.]

1718.

1718.
Jan. 1. **291.** H.M. Instructions for Governor Sir N. Lawes, relating to the Acts of Trade and Navigation. *Signed*, G. R. [*C.O.* 5, 189. *pp.* 384-409.]
- Jan. 2. **292.** Mr. Attorney General to the Council of Trade and Plantations. I have no objection in point of law to the Acts of New York *referred 13th Nov.* Acts described. *Signed*, Edw. Northey. *Endorsed*, Recd. 3rd, Read 27th Jan., 17 $\frac{17}{18}$. 1 $\frac{1}{2}$ *pp.* [*C.O.* 5, 1051. No. 45; and 5, 1123. *pp.* 497, 498.]
- Jan. 2. **293.** *Same to Same.* Report upon Act of New York for *shortning of law suits etc.* (v. 23rd March, 1716.) Whereby the proceedings in the Supreme and Inferior Courts of that Colony are regulated, and their jurisdictions of holding pleas to certain values are ascertained: and power is therein given (where the Court shall see just cause) to give longer time than allow'd by the Act for putting in baile and declaring, but there is no such power given for enlarging the time for pleading afterwards, if the Court should see cause, but Plaintifs and Defendts. are tied to the times directed by the Act, which may happen to be impossible or inconvient. and the Court has no power to releive them. In the Act there is a clause, whereby it is directed no suit shall be in the Supreme Court where the true and real cause of action shall not exceed £20 of current money of that Colony besides costs (except where titles of lands are anyway concerned) under the penalty of paying the defendt. his costs, which may happen to be mischeivous to plaintiffs where the true and real cause of action may exceed £20, but by the absence of a witness or obstinacy of a jury the value may be found to be less and the plaintiffe be obliged to pay costs in such case, which will be unreasonable. I have no objection agst. the other parts of the said Act, but submit to your Lordships' consideration whether the Act lieable to the aforesaid objections be fit to be confirmed. As to the Act for *preventing the multiplicity of lawsuits*, 1714, (described), I am of opinion this Act is very useful, and fit to be confirmed. *Signed*, Edw. Northey. *Endorsed*, Recd. 3rd, Read 28th Jan., 17 $\frac{17}{18}$. 2 *pp.* [*C.O.* 5, 1051. No. 47; and 5, 1123. *pp.* 507-509.]
- Jan. 2. **294.** *Same to Same. Abstract.* Has considered the Act of New York (v. C.S.P. 6th Dec., 1715) *declaring that all persons of foreign birth heretofore inhabiting within this Colony and dying seized of any lands, tenemts. and hereditaments, shall be for ever hereafter deemed taken and esteemed to have been naturalized, And for naturalizing all Protestants of foreign birth now inhabiting within*

1718.

this Colony etc. Does not think this act, as framed, fit to be confirmed, for reasons stated. "The encouraging foreigners to settle in the Plantations without naturalization, will be directly contrary to the Act of Navigation" etc. *Set out*, N.Y. Col. Docs. V. 495. *q.v.* Signed, Edwd. Northey. [C.O. 5, 1123. pp. 499-506; and (memorandum of original, endorsed, Read Jan. 27, 17 $\frac{1}{2}$) 5, 1051. No. 46.]

Jan. 1. **295.** H.M. Instructions to Sir Nicholas Lawes, Governor of St. James's. Jamaica. (v. Oct. 11 and Dec. 18, 1717.) [C.O. 5, 189. pp. 334-375.]

Jan. 3. **296.** Council of Trade and Plantations to the Earl of Sunderland. Whitehall. Since our Representation of 21st Dec. etc., we have received the Act of Jamaica mention'd in the postscript, and find it lyable to the objection therein mention'd. We therefore humbly conceive it will be for H.M. service, that Sr. Nich. Lawes should receive the King's commands upon this subject before his departure. [C.O. 138, 16. p. 48.]

Jan. 4. **297.** Mr. Attorney General to the Council of Trade and Plantations. *Report upon Act of Antigua, 2nd March, 1715, to prevent the encrease of papists and non-jurors in this Island and for better governing those who are already settled here.* The end of which Act I apprehend is to remove all papists out of that Island, and to prevent others from coming there. For it recites that several papists are resident there, and others daily coming, who receive benefit of the Law, and protection, yet refuse to take such reasonable oaths and subscribe the declaration for securing their allegiance and fidelity as are required in Great Britain: In the first place, it requires all persons residing in that Island, or who should after come thither, being or when of the age of sixteen (except servants under covenant and feme coverts) who should not have taken the oaths, and subscribed the Declaration, since H.M. accession to the Crown, on notice given to take the oaths of Allegiance and Supremacy, and to subscribe the Declaration mentioned in the Act of 30th K. Charles II, and to take the oath of abjuration. And it lays all the penalties upon the refusers or neglecters thereof, which are laid in England by the Laws made in the times of King James Ist, King Charles IInd, King William and Queen Mary and King William, and carries the penalties further to remove them out of the country (altho' part of the title be *for the better governing those already settled there*). For it makes them incapable to exercise any place ecclesiastical, civil, or military, or to be an Assembly man, Vestryman or Churchwarden, or to serve on any Jury, or to be Executor, Administrator, or Guardian, or Agent to any person or persons whatsoever, or to give a vote in the election of Assemblymen, Vestrymen, Churchwardens, or in any other case, or to keep any arms, gunpowder, weapon or amunition, except allow'd for the defence of their houses, and persons by the Council, or to keep or ride a horse above the value of £20 current money of

1718.

that country : And disables them to take by purchase or devise any lands, tenements or hereditaments. (negroes excepted) And they forfeit for their lives the profits of the lands they now have to their next Protestant kindred. And all persons are disabled to take or keep any popish servant or slave : and such papists are disabled to keep any shop, storehouse, tavern, punch-house or victualling-house, or to sell, contract for, dispose of, or utter any liquors, or other goods whatsoever : But the present Popish inhabitants are enabled upon taking the oath of allegiance and abjuration to keep their shops for a year and nine months and no longer. There is a clause, that nothing in the Act shall extend to Quakers, and a provisoe that conformity shall deliver from the penalties of the Act. Agst. the approving the said Act it hath been offered that all or most of the papists there are H.M. subjects,* and that several of them have inhabited and settled there for thirty years, and were lately zealous in the defence of that Colony agst. the French, and that several of the preston rebels were transported thither by his present Majesty, and that the expelling of such out of that Colony, will very much weaken the same and force them to settle in, and thereby to strengthen the Dutch or French settlements in the West Indies, which may in time prove prejudicial to that Colony in case of a war with France or Holland. And the annex't affidavit hath been produced to me. As to most of the penalties, I have observed before, That they are the same as in England, upon papists ; And I think it is very reasonable to keep such out of all offices and out of the Assembly, and from being Guardians to children *etc.* But I am of opinion it seems very hard to disable them to execute any trade, or to be Agents for other persons therein for that the same will amount to banish them out of that Colony. And I do most humbly submit it to your Lordships. consideration whether it will be convenient to banish all Papists out of H.M. Plantations there being no Law like this (as I know of) pass'd in any other of H.M. Plantations, or whether it would not be more convenient to oblige all papists to take the oaths of allegiance and abjuration and to deprive them of all offices and from voting in the elections of them, but to leave them at liberty to exercise their trades and to suffer them to enjoy their estates, behaving themselves with duty and allegiance to the Government, without oblidging them to take the oath of Supremacy or make the Declaration mentioned in the Act of 30th K. Charles II, which 'tis known no papist can take or make *etc.* I have also considered of an Act pass'd in Antigua Nov. 1716, *for the erecting a new Church in St. Johns in the room of the present parochial Church and for raising a yearly reasonable tax for maintaining the same etc.* By which Act it appears, that the present Church is too small and out of repair. Therefore provides for pulling down the same, and building one more large in the roome thereof, the cost whereof is to amount to £7408 7s. current money of that country, and is to be paid by the inhabitants of the said Parish, by five payments in the space of five years : and rules are made by the said Act for the

1718.

assessing, levying and paying the same. And I have no objection in point of law against the said Act. I have also considered of an Act passed in Antigua in Feb. 1716, *to quiet present possessors of lands, to limit actions, and avoid suits in Law*; which Act takes notice that upon the settlement of that Island many persons took up great tracts of land, but did not improve, but departed from the same, so that the Island was in danger of being deserted, had not the Governor encouraged others to take up the said lands, by giving patents, warrants and grants for the same, which they thought was legal on failure of such non-settlers. Others purchased and after settling of the lands purchased, made great improvements thereon, and paid great taxes for the same, and suits are daily commenced agt. such settlers and purchasers. The bill provides for their ease, that all persons in possession and who were so for five years before the bill by virtue of any patent, warrant, grant, deed or any other lawful conveyance duly recorded, are confirmed in their right and title thereunto, and declared to have a good right to the same during the estate or estates granted by such patent, grant, warrant or other conveyance in writing, duly recorded, agt. all persons whatsoever; except such persons as should prosecute their title within three years after the date of the Act, or within three years after impediments removed, if the claimer be under age, married women, non compos mentis, or beyond sea, and all persons not claiming their rights within three years after the same shall accrue, are by the Act barred (except as aforesaid). And where suits shall be within the time mentioned in the Act, and there shall appear a good title for the plaintife, he is not to recover the land, but to have the value of it, to be assessed by the Jury who shall try the cause, if at Law, and if in equity the value to be ascertained by commission, which is not restrained to possessors at the time of the Act, but general; and the lands are to be valued with respect to the place where scituated, and the time when the person under whom the Defendt. shall claim first derived his title. The Act makes good all sales made by Treasurers or Churchwardens for publick or parochial taxes laid on such lands, pursuant to the Laws of that Island, and which were duly entred in the Book of the Treasurer or Churchwarden, altho' no deed of sale or conveyance be to be found on record for the same;—and altho' several circumstances required by the Act have been omitted to be done. But this clause is not to affect any lands, for which a suit hath been commenced in law or equity and depending at the time of the Act. And the Act does limit certain times for the bringing personal actions. Agst. the greatest part of which Act, I have no objection: But the Act seems to be unpresidented to put the King and his subjects on a level as to the time of claiming their rights. In England in the times of King Henry 8th and Queen Elizabeth several Acts of Parliament were made for confirming the Letters Patents of the Crown, but no Statute of Limitation of time for their suites. The Statute of the 21st of King James 1st agst. concealmts. made in England quieted possessors only where possession had been agst. the Crown for sixty years and the Crown

1718.

had not been answered any rents, nor the lands duly in charge within that time, but there is no Act that limits the Crown to a time for commencing their suits. How far H.M. may be advised for the quiet of the Island of Antigua to confirm the present titles, if he shall not contest them within 3 years, as proposed by the Bill, is submitted. But I cannot think H.M. will be advised to put himself and successors for ever hereafter on the level with his subjects as to the time of commencing future suits. Therefore if H.M. will be pleased to confirm the present possessions (if he shall not think fit to contest them within the 3 years) I think for future rights the Act should be made to extend only to subjects suits. In the provisoe for persons under disability to sue, is omitted persons in prison, who ought to have had time allow'd them for commencing their suits after they should be delivered out of prison; and the right of suing ought in the Act to be express't to be for the person to whom the right should come, his heirs, executors or admors., within the time limited in ye Act. And the clause for recovering the value of the lands instead of ye land should be restrained to suits agst. the present possessors only, which may be reasonable, but it will be unreasonable for persons who shall have future rights to debar them from recovering the land and oblige them to take the value thereof, wch. will be oblidging them to sell their lands, to possessors by wrong, agt. their wills. On the whole, I am of opinion, for the objections aforesaid, this Law is not proper to be approved but that an Act between subject and subject for the purposes in the Act, is reasonable, and necessary, and such Law with small alterations may be framed. As to the quieting present titles agst. the Crown, if H.M. shall be graciously pleased to allow the same, it's proper to be done by an Act for that purpose only, and the repealing of this Law may be suspended till a new law may be pass'd not lieable to these objections. *Signed*, Edw. Northey. *Endorsed*, Recd. 7th Jan., Read 18th March, 17¹/₁₈. 7¹/₄ pp. *Enclosed*,

297. i. Deposition of Ambrose Lynch of Antego in America mercht. Some of the papists and non-jurors now dwelling on Antego, have lived there upwards of 30 years and behaved themselves with all obedience and submission to the Government *etc.* They assisted in the Expedition against Martinico and Gaudalupa and appeared in arms in defence of the Island as often as French ships appeared on the coast in the late war. The Act to *prevent the encrease of Papists etc.* would much weaken and depopulate the Island and lessen the trade there *etc.* The reputed papists and non-jurors are natives of Great Britain or Ireland. *Signed*, Ambr. Lynch Barth (*sic*) 3rd Jan., 1717(18). 1¹/₄ pp. [*C.O.* 152, 12. *Nos.* 68, 68 i.; and 153, 13. pp. 252-264.]

Jan. 6.

298. Governor Hamilton to the Council of Trade and Plantations. *Begins with copy of letter of 7th Oct., 1717 (q.v.). Continues:* The man of war came to me at Nevis the latter end of

1718.

October which Island I left upon 4th Nov. and arrived the same day at St. Christophers from whence I sailed the 9th in order to visit the Virgin Islands as your Lordships had directed and landed upon the 11th upon the Island of Anguilla which is a long narrow Island so worn out that they can hardly subsist their families, for that reason a great many of the inhabitants are gone off and have settled upon Crabb Island *etc.* The next Island I went to was Spanish Town, the Island Capt. Walton talked so much off and informed your Lordships when I had the honour to wait at your Board that it was equal with Antigua or at least with any of the other four Islands ; I could not then contradict that Gentleman but by hearsay I told your Lordships that I had always been informed that it was not capable to maintain 100 poor families, and now I must assure your Lordships that it is a great deal worse than it was represented to me, it being a pretty large Island but very mountainous and rocky, has not 2,000 acres of manureable land, little or no timber in it, and the land so worn out that the few inhabitants that are upon it (which are but 54 men as your Lordships will see by the inclosed list) and those have joined in a petition with the inhabitants of Tortola for liberty to settle upon Sancta Cruis or Saint Cruix, copy of which petition is here inclosed ; From this last Island, I went to the Island of Tortola, which is also a pretty large mountainous rocky Island, a pretty deal of good timber upon it little level land in it, but has most of it been given away in great tracts under the great Seal of these Islands by my two last predecessours, not as I believe with intent to make a Settlement but for the sake of the timber for it is really not worth settling ; an other little Island called Beef Island lyes just joining to it, the Channell not above a mile broad only fitt for boats to go through, has but two families upon it, St. Peters Island Mr. Walton talked of for the goodness of the harbour is a small barren Island and the harbour only fitt for sloops ; The next Island I went to was the Island called St. Johns which is also a small barren mountainous Island hath a pretty deal of good timber upon it and an excellent harbour at the East end of it ; all these Islands and a great many more small ones not worth mentioning and rocks innumerable lye as it were all in a cluster. From hence I went to the Island of St. Thomas where the subjects of the King of Denmark have settled upon and came to an anchor off the mouth of the Harbour having been informed that the Danes did not only come daily and cutt timber off of the several Islands belonging to our Great Master but even talked of making settlements upon some of them. I therefore thought myself in duty bound to send word by Captain John Marshall of Colonel Alexander's Regiment whom I sent on purpose to the Danish Governor with instructions (inclosed) to forbid them, and in case the Governor insisted upon it to let him know that the King of Denmark had no good title to St. Thomas it self which was done accordingly, but before he had my answer a ship came by, which a little Brittish sloop that had escaped her amongst the little Islands at whom he had fired three guns (the first under

1718.

Brittish colours, which he lowered and then hoysted a white Ensign with the figure of a dead man spread in it) gave me an account that the said ship was a pirate upon which we made a signall for Captain Marshall to come off which as soon as he did we went after said pirate believing her to be a ship of about 18 or 20 guns but could not get sight of her, she having as we believed turned up under the North side of that Island, we stood as far as the Islands called Passage to the Northward, Sunday the 17th we came about noon to Crabb Island where I went a shore the day following. This is a long very level Island but one mountain in it at the South West end, and not high, well timbered and an excellent soyl, it's about nine leagues long, and in most parts about six or seven miles broad except at the East end, there is not above two or three mile broad for about seven or eight miles, it has a good harbour at the South side about a third down from the East end when once ships are in but the passage in is very narrow and ships must warpe out again except they have the wind far northerly this Island seems to be very fertile and excellent land, but then it is attended with this inconveniency that it lyes so near to the Island of St. John de Porto Rico that slaves upon the least disgust may easily waft over in either canoes or bark logs it being just to the Eastward of the center of that Island, the chanell shallow and not above three leagues over ; From hence I went to the Island of Saint Cruis or Sancta Crois which lyes about 16 leagues to the Eastward of Crabb Island and about 10 leagues due South from St. Thomas, this is a very fertile Island somewhat more mountainous than Crabb, but most of the mountains not so high but that they are manureable almost to the tops, this Island is above 10 leagues long and in several places much broader than Crabb Island, it has at the West end a very fine large bay or road for shipping to ride and at the north side a pretty good harbour called the Basin where Captain Hume in H.M.S. the *Scarborough* did the last year destroy a pirate ship, besides several other roads. This Island had once some English settlers upon it, but as I am informed left it or were drove off in 1666, since that the French had a Settlement upon it, the ruines of a great many of their houses are still to be seen and it abounds in a great many places with fruit trees, as oranges, lemmons, and lime trees, is plenty of timber and a great many wild cattle upon it, some of our men that were out shooting have seen forty and upwards of head of bulls, cows and calves in a drove, it is in some places pretty well watered, and I am informed it produced very good sugar. I think the soil very good. The French had an order from home in or about 1690 or 1691 to abandon that Island whether it was out of fear of a squadron of men of war and land forces we had then in this part and that had taken the Island of St. Christopher's and St. Eustatius from them or that it was to carry on with more vigor the settlement of Cape St. François upon the Island of Hispaniola I cannot inform your Lordships etc. Had the poor people of Anguilla, Spanish Town and Tortola, been provided for out of the conquered land of St.

1718.

Christopher's, they would some time since have not only been a great strengthening to all the other Chief Islands but have by this time increased the revenue of the Crown for as they now are they are altogether useless, and so many men lost. Or if your Lordships shall think fitt to represent to H.M. that according to their prayer they might all at once remove and settle upon one of the two last Islands, and that they might have tracts of land allotted them under the Great Seal of these H.M. Islands to them and their heirs, they might in time become a profitable Colony to the Crown and be able to defend themselves ; In my opinion Santa Crois should be the island for these reasons. First that it is larger and I think the land of an equal goodness ; secondly will by reason of its little hills more frequently draw the showers of rain ; thirdly that it lyes farther to windward out of the way of the Spaniards who once in King James's time took off from Crabb Island the few that had settled there by commission from Sir Nathaniel Johnson, and kept them prisoners so long or rather made them slaves upon Porto Rico that few of them ever returned, but most of them perished among the Spaniards *etc.* Awaits their " Lordships direction herein which I hope will be soon the poor people of Anguilla and Spanish Town being in a starving condition, and are with great difficulty kept together ; If H.M. should give directions for settling said Island or one of them and if leave could be given to the Dutch and Danes to settle amongst them I am informed a great many of the Dutch from the Island of St. Eustatia the Island Sabeott and the Island St. Martin's would immediately settle there and take the oaths, several of the inhabitants from St. Thomas and most or all the British subjects that are settled upon that Island. In my turning up to windward we did see another pirate ship and a large sloop which we were informed when we came off of the Island St. Eustatius by a sloop sent express from St. Christopher's were two other pirates that had two days before taken some of the trading sloops off of that Island and sunk a ship loaden with white sugar *etc.* just under Brimstone Hill which they had taken under Guadaloupe shore. The ship is commanded by one Captain Teatch, the sloop by one Major Bonnett an inhabitant of Barbadoes, some say Bonnett commands both ship and sloop. This Teatch it's said has a wife and children in London, they have comitted a great many barbarities ; The ship some say has 22 others say she has 26 guns mounted but all agree that she can carry 40 and is full of men the sloop hath ten guns and doth not want men ; This gave the people of St. Christophers such just apprehensions of my safety in turning up from thence to Antigua that they moved it to me in Council to give them leave to impress and man a good sloop to attend the man of war to see me up, which was done accordingly and was put under the comand of one Col. William Woodrope an inhabitant of that Island who had on board 110 men. Indeed the man of war is so small as I formerly wrote your Lordships that in case he should meet by himself these pirates it would be exposing the Captain's character and perhaps be the loss of H.M.

1718.

ship, I therefore humbly intreat your Lordships to represent this matter so as that a ship of 40 guns or at least one of 36 may be ordered to attend this station without which the trade of these Islands cannot be secured; This has been once represented to the Admiralty board but all that was done was that the *Tryal* sloop as their Secretary writes was ordered for this station to reinforce the small ship that attends here, but the *Tryal* was then at Jamaica and believe is there still for I have heard nothing of her; Their Lordships may much sooner order a vessell from Brittain here than to turn up from that Island. On Friday the 20th of last month arrived the *Scarborough* man of war from the station of Barbados, had lost her topmast as soon as she was refitted. I ordered an officer and 20 men of the King's troopes to be put on board, the same number on board of the *Seaford* and are gone on the 21st in quest of the pirates who were by the last accounts I had at Sancta Cruis or thereabout" etc. *Refers to enclosed affidavits, etc. Signed, W. Hamilton. Endorsed, Reed. 7th, Read 11th March, 1718. 5½ pp. Enclosed,*

298. i. Deposition of Richard Joy, Master of the sloop *New Division* of Antigua, 30th Nov. 1717. This morning he was taken by two pirate ships and a sloop who said they belonged to Barbados and enquired what vessels were alongshoar. *They restored him to his sloop etc., keeping one of his men. Signed, Richd. Joy, his mark Copy. ¾ p.*

298. ii. Deposition of Thos. Knight, belonging to the *Mountserratt Merchant*, Benjamin Hobhouse, commander, 30th Nov. 1717. On 29th Nov., seeing two ships and a sloop, and thinking one did belong to Bristol, and the other two to Guinea, he went in the long-boat to enquire for letters. They desired us to come on board, but seeing Death Head in the stern we refused it etc. They said they were bound from Barbados to Jamaica etc. They compelled us to go on board and asked about the guns and ships at Kingslale and Plymouth etc. We made Nevis. These and the ship they had taken out of Guardalupa spying some vessels in Nevis, and among the rest took one for the man of warr, they said they would cut her out, but the Captain being ill prevented it etc. *Confirms preceding.* They report the Captain of the pirates name is Kentish and Captain Edwards belonging to the sloop, and they report the ship has 150 men on board and 22 guns mounted, the sloop about 50 white men, and eight guns, and that they burnt part of Guardalupa, when they cut out the French ship. *Signed, Thos. Knight. Copy. 1½ pp.*

298. iii. Deposition of Henry Bostock, master of the sloop *Margaret* of St. Christophers, 19th Dec., 1717. On 5th Dec., off Crab Island, he met a large ship and a sloop. He was ordered on board and Capt. Tach took his cargo of cattle and hogs, his arms books and instruments. The ship, Dutch built, was a French Guinea man, 36 guns mounted and 300 men. They did not abuse him or his

1718.

men, but forced 2 to stay and one Robert Bibby voluntarily took on with them. They had a great deal of plate on board, and one very fine cup they told deponent they had taken out of Capt. Taylor, bound from Barbados to Jamaica, whom they very much abused and burnt his ship. They said they had burnt several vessels, among them two or three belonging to these Islands, particularly the day before a sloop belonging to Antego, one (*Robert*) McGill owner. They owned they had met the man of warr on this station, but said they had no business with her, but if she had chased them they would have kept their way. Deponent told them an Act of Grace was expected out for them but they seemed to slight it. Among the crew was a nephew of Dr. Rowland of this Island *etc.* They asked whether there were any more traders on the Porto Rico coast, *etc.*, and sent to look for them *etc.* They intended for Hispaniola to careen and lie in wait for the Spanish Armada that they expected would immediately after Christmas come out of the Havana for Hispaniola and Porto Rico with the money to pay the Garrisons *etc.* They enquired where Capt. Pinkethman was. Deponent said he heard he was at St. Thomas' with a commission from the King to go on the wrecks. He believes they had much gold dust on board *etc.* Signed, Henry Bostock. Nos. i.-iii. endorsed as covering letter. Copy. 2½ pp.

298. iv. List of the inhabitants of Anguilla, 22nd Nov., 1717. Men (*names given*) 97, women 154, children, 234. Negroes, 824. *Same endorsement.* 2 pp.
298. v. Petition of inhabitants of Anguilla to Governor Walter Hamilton. For several years Anguilla hath been attended with insupportable drowths, the land very poor and barren by means whereof not capable of production sufficient for the inhabitants thereof to subsist on; many of them ready to perish and starve for want of food, which we the said inhabitants to remove to the Island commonly called Crabb Island is here to endeavour to cultivate the same in planting necessary food for our relief and sustenance rather than utterly perish. Wherefore we the said inhabitants H.M. most dutifull and loyal subjects in most humble manner comends the premises to your Excellency's mature consideration and prays that your Excellency would please of your abundant goodness compassion to protect us in the quiet and peacable enjoyment of the said Island otherwise we must inevitably perish. Signed, Christopher Hodges, Benjamin Arundell, Peter Downing and 40 others. *Same endorsement.* Copy. 1 p.
298. vi. List of the inhabitants of Spanish Town, 18th Nov., 1717. 53 men, 60 women (*names and nationality given*), 204 children, 308 negroes. *Same endorsement.* Copy. 1 p.

1718.

298. vii. Petition of the poor inhabitants of Tortola and Spanish Town to Governor Hamilton. Whereas the Island of Tortola is patten'd by six or seven persons being granted by former Generals, the poor inhabitants having no land to live upon but sufferance and during their pleasure which causes petitioners to crave assistance from your Excellency, and the Island of Spanish Town being worn out and scarce produce subsistence for petitioners and their families, and whereas both Islands inform your Excellency of an Island called St. Croose which was formerly possessed and inhabited by the subjects of Great Brittain, and was commissioned, and now lies void ; and as we are subjects to his most sacred Majesty King George of Great Brittain therefore your Excellency's poor humble petitioners desires the humble liberty of settling upon the Island of St. Croose as subjects of Great Brittain and shall ever remain, and defend the said Island against all manner of forreign Princes, and maintain the said Island in H.M. name *etc.* Signed, Charles Darcy, Joseph Hall, Peter Markoe, Patrick Conner and 80 others. Same endorsement. Copy. 1 p.
298. viii. List of the inhabitants of Tortola, 14th Nov., 1717. Men (*names and birth places given*) 37, women 34, children 88. Negroes 176. Same endorsement. Copy. 1 p.
298. ix. List of men able to bear arms on Crabb Island (*names given*) 46. Negroes 62. Same endorsement. Copy. 1 p.
298. x. Governor Hamilton's Instructions to Captain Marshal. To represent to the Governor in St. Thomas that His Excellency is informed that several of the subjects of the King of Denmark have not only presumed to cut off timber from several of his Brittanick Majesty's Islands but also to give out that they did design to settle upon the Island of St. Johns or some other of H.M. Virgin Islands. You are therefore to signifie to the said Governour that he forbid any of the people under his Government either to cut timber or presume to settle on any of the Virgin Islands. In case he persists or seems to support the people in their pretensions you are to give him to understand that the King of Denmark hath no good title to St. Thomas it self. Your are to represent that his Excellency is informed that when any strays happen from any of the English Islands that the people in St. Thomas exact a third for salvage which is an unreasonable and unwarrantable salvage, which you are to represent to the Governor that he may see the same redressed. You are to represent the case of one Mr. John Phillip now in St. Thomas but a subject of the King my Master and to demand that justice might be done in the recovery of his just debts and that he may have liberty to transport

1718.

himself and effects to any of his Britannick Majesty's Kingdoms or Dominions where he shall think proper without any lett or hindrance. *Same endorsement. Copy. 1 p.* [C.O. 152, 12. Nos. 67, 67 i.-x.; and (without enclosures) 153, 13. pp. 238-250.]

Jan. 8.
Whitehall.

299. Mr. Popple to Sir E. Northey. Enclouses for his opinion in point of law two Acts of Jamaica, Aug. 1717, (i.) *for the relief of widows and orphans in relation to deficiencys*, (ii.) *for the more effectual punishment of crimes committed by slaves*. [C.O. 138, 16. p. 49.]

Jan. 9.
Whitehall.

300. Council of Trade and Plantations to the Duke of Newcastle, Lord Chamberlain of H.M. Household. We are extreemly straitned for want of necessary conveniences in our Office, our papers and records which must be carefully preserved for H.M. service greatly encreasing every year: By which means we are now so far reduced for want of room, that we have no place for Gentlemen to wait in, whose business may oblige them to attend our Board. Wherefore we would entreat your Grace, to apply to H.M. for his orders to build us one new room upon a piece of spare ground, adjacent to our Office and appertaining to H.M. which has already been surveyed by the Officers to H.M. Works and adjudged proper for that purpose. [C.O. 389, 37. pp. 143, 144.]

Jan. 9.
Whitehall.

301. Order in Council. Repealing Act of Jamaica *for continuing an act to impose dutys on severall commodityes etc.* Signed, Edward Southwell. Endorsed, Recd. Read 14th Jan., 17 $\frac{1}{2}$. 1 $\frac{1}{4}$ pp. [C.O. 137, 12. No. 109; and 138, 16. pp. 53-55.]

Jan. 9.
Whitehall.

302. Order in Council. Repealing Act of Jamaica *to impose duties on negros exported etc.* and directing Instructions to be prepared for the Governor *as proposed* Dec. 21, 1717. Set out, A.P.C. II. No. 1278. Signed, Edward Southwell. Endorsed, Recd. 30th, Read 31st Jan., 17 $\frac{1}{2}$. 3 $\frac{1}{2}$ pp. [C.O. 137, 12. No. 113; and 138, 16. pp. 65-71.]

Jan. 9.
Whitehall.

303. Council of Trade and Plantations to Governor Sir N. Lawes. Among the publick papers lately receiv'd from Jamaica, there is an Act for the repairing, preserving and maintaining the wall of Port Royal being made use of as part of H.M. fortifications, passed 31st Aug., 1717, which we have considered, and do find, that this Act applies £150 per annum out of £1,250 appropriated by a former act to the use of the fortifications towards the maintaining, preserving and keeping in repair the wall mention'd. We also find by a report from a Committee of the Council and Assembly of 17th Aug., 1717, that almost all the fortifications of Jamaica are in a very ruinous condition. We desire you therefore upon your arrival in Jamaica to examine into the state of the sd. fortifications, and let us have a perfect account thereof that we may be the better able to judge whether this supply of

1718.

£150 can be conveniently spar'd from the sum of £1250 already appropriated for the fortifications of that Island in general. Having likewise receiv'd from the Lords of the Admiralty the extract of a letter from Capt. Baltehin relating to an agreement made between him and Mr. Coleman for repairing the King's Naval Store House there; We inclose to you copies of the sd. papers, and desire that upon your arrival you will take care the sd. Store House be kept in constant repair, and that H.M. ships of war have all necessary accomodations therein, during their stay in that Island. [C.O. 138, 16. pp. 50, 51.]

Jan. 9. **304.** Mr. Popple to Mr. Burchett. In reply to Dec. 27th, Whitehall. the Council of Trade have written *as in preceding* concerning the storehouse in Jamaica. [C.O. 138, 16. p. 52.]

Jan. 9. **305.** Order in Council. Approving Commission and In- Whitehall. structions for Governor Woodes Rogers as proposed 21st Nov. and 11th Dec., 1717, with two verbal alterations. *Signed*, Edward Southwell. *Endorsed*, Recd. 30th, Read 31st Jan., 171⁷₈. 1¹/₄ pp. [C.O. 23, 1. No. 9; and 5, 189. p. 376 (a); and 324, 33. p. 121.]

Jan. 9. **306.** Order in Council. Samuel Page is removed from the Whitehall. office of Deputy Secretary of Jamaica and all other offices of trust in the said Island, *etc.* *Signed*, Edward Southwell. [C.O. 324, 33. pp. 130, 131.]

Jan. 9. **307.** Lt. Governor Wentworth to the Council of Trade and Portsmo. in N. England. Plantations. This is the first opertunity since the arrivall of my Commisso. for Leiut. Gov. *etc.* in the roome of Mr. Vaughan, from whom I expect your Lordships has complaints lodged against me. I know that he can't make out anything against me worse, then that I am a man in trade, but I have and am calling it into a narrow compas *etc.* I faithfully promise to doe my utmost endeavours to doe all possible honnour to my King in the office I sustaine *etc.* The smuglin trade is ye least carried on in this Province as in any part of the country, for this seven years past, but indeed I must say I believe its in a great measur owing to Mr. Armstrong our present Collector care, *etc.* *Signed*, Jno. Wentworth. *Endorsed*, Recd. 4th July, Read 9th Dec., 1718. *Holograph*. 2 pp. [C.O. 5, 866. No. 171; and 5, 915. pp. 161, 162.]

Jan. 10. **308.** Mr. Popple to Sir William Thomson. The Council of Whitehall. Trade and Plantations having had under consideration your report of the 18th Dec., have still some doubt upon that part which relates to the Massachusetts Charter, because the granting part thereof seems to include the land in question, and therefore they have commanded me to send you a copy of your said Report and the Charter that you may please to reconsider the same *etc.* [C.O. 5, 915. p. 78.]

1718.

Jan. 10.
Whitehall.

309. Petition of Thomas Skerret, Nicholas Lynch, Cornelius Holleran, Peter Martin, James Fallon, and Henry Browne to the Council of Trade and Plantations. On behalf of themselves and other Popish inhabitants of Antego, *object to Act to prevent encrease of Papists etc. as Jan. 4. q.v.* *Add* :—If it be approved of, the Protestant inhabitants of the other Colonys as of Maryland, will on the least peek with any of their neighbours, who they know to be a non-juror, promote the passing such an Act as this *etc.* On hearing of this Act the Govrs. of Martinico and Gaudalupa made petitioners severall advantageous offers to come and settle among them, but being thorowly satisfied of the happiness they enjoy under his present Majesty, they are desirous to live under his gracious protection, unless banished by this law *etc.* *Endorsed*, Recd. 10th Jan., Read 18th March, 17 $\frac{1}{8}$. 2pp. [C.O. 152, 12. No. 69; and 153, 13. pp. 264–268.]

Jan. 10.

310. P. Diharce and Bernardo de Guardia to the Council of Trade and Plantations. *Pray* for a speedy report on their petition of 10th Dec., 1717. *Signed*, P. Diharce, Bernardo de Guardia. $\frac{3}{4}$ p. *Enclosed*,

310. i. Petition of P. Diharce and Bernardo de Guardia, Agents of the Spanish master and owners of the *Nostra Signora de Bethleem*, condemned at Jamaica, to the Council of Trade and Plantations, Aug. 28, 1717. *cf.* 10th Dec., 1717. *Signed as preceding.* *Endorsed*, Recd. 28th Aug., 1717. 1 p.

310. ii. Manifest and bills of lading of the sloop *Nostra Senora de Belem* in her voyage from Vera Cruz to Havana. *Translated from the Spanish.* 130 pp. [C.O. 137, 12. Nos. 108, 108 i., ii.]

Jan. 13.

311. Governor Sir N. Lawes to the Council of Trade and Plantations. *Encloses following.* *Signed*, Nicholas Lawes. *Endorsed*, Recd. 14th, Read 23rd Jan., 17 $\frac{1}{8}$. 2 pp. *Enclosed*,

311. i. Observations by Sir Nicholas Lawes upon some Acts of Jamaica not yet confirmed. $1\frac{1}{4}$ pp. [C.O. 137, 12. Nos. 111, 111 i.]

Jan. 13.

Whitehall.

312. The Earl of Sunderland to the Council of Trade and Plantations. *Encloses following* for their report “whether it be fitting for H.M. to comply,” *etc.* *Signed*, Sunderland. *Endorsed*, Recd. 15th, Read 17th Jan., 17 $\frac{1}{8}$. $\frac{3}{4}$ p. *Enclosed*,

312. i. Petition of Lt. Col. Martin Purcel to the King. Lt.-Col. in Col. Philips’ regiment and Lt. Governor of Placentia, petitioner was rewarded for his services in Spain, Portugal and the last rebellion by those offices. Being informed that the Governor of Antegoa is recalled, he prays for that appointment, *etc.* *French.* 1 p. [C.O. 152, 12. Nos. 59, 59 i.; and 153, 13. pp. 187–189.]

Jan. 16.

313. H.M. Additional Instructions to Governor Sir N. Lawes. *Quotes and approves Representation of Council of Trade*, 21st

1718.

*Dec., 1717, upon petition of South Sea Company against Act of Jamaica laying a duty of 20s. pr. head upon negroes exported from that Island, and Representation of Jan. 3, 1718. The Act laying an additional duty of 20s. pr. head was repealed 9th Jan. Continues:—*We hereby do signify our will and pleasure unto you, that you do not pass any Law for the future, that shall lay a duty on the re-exportation of negroes, that have been, or shall be brought into Our said Island only for refreshment, and much less on such as touch in Our ports of Jamaica without landing there. But the Assembly are to have liberty to lay such tax on the negroes bought there as they shall think fit. And our further will and pleasure is, that you do take due notice of the objections *mentioned* 21st Dec., 1717. And we do particularly enjoin you carefully to observe the several Instructions already given you by us with relation to the passing of Laws in that Island, more especially in such cases where Our Royal Prerogative or the Trade of Great Britain may be any ways affected, which precaution will be still more necessary in the passing of money Bills, than those of any other nature, because generally these have their duration but for one year, and frequently have their effect before Our Royal Pleasure be known concerning them. *Signed*, G. R. [C.O. 324, 33. pp. 118–120.]

Jan. 16. **314.** Copy of Governor Rogers' Commission, v. No. 220 i.
St. James's. [C.O. 342, 33. pp. 122–125; and 5, 189. pp. 376–380.]

Jan. 16. **315.** Col. Codrington to Mr. Popple. Asks for a short day
London. for hearing him by Counsel in relation to the grant of some lands in St. Xtophers, about which he attended the Board before Xtmas. *Signed*, W. Codrington. *Endorsed*, Reed., Read 17th Jan., 17¹⁷/₁₈. *Addressed*. $\frac{3}{4}$ p. [C.O. 152, 12. No. 58.]

Jan. $\frac{18}{27}$. **316.** Commander Van der Heyden Rézen to the Directors
River of the Dutch West India Company. *Signed*, Pr. Van der Heyden
Essequibo. Rézen. *Endorsed*, Read 28th (N.S.) April, 1718. *Dutch*. 3 $\frac{3}{4}$ pp. *Enclosed*,

316. i.–xxiii. Inventories of slaves *etc.*, lists of goods required, clearances *etc.* *Dutch*. 52 pp. [C.O. 116, 21. Nos. 156, 156 i. ff.]

Jan. 20. **317.** Governor Hunter to the Council of Trade and Planta-
New York. tions. *Acknowledges* letters of 26th May and 4th Sept. *Continues:—*As to the first, I have issued a Proclamation forbidding trade with the French Plantations, what effect it may have in deterring men from it I cannot tell, no vessels ever did clear for these ports, neither would it have been suffer'd; and at their return tho' it be apparent that they have been in these ports, yet as your Ldships have hinted, there being no Acts of Parliament forbidding that trade, or inflicting penaltys for such, all I can doe is to vex them, which has already provok'd the spleen of some of the tradeing sort, in the mean time whatever is in my power to discourage it shall be executed. *Returns* "most humble and most hearty thanks" for letter of 4th Sept., "with

1718.

Mr. Secretary Addison's signification of H.M. most gracious pleasure, and condescension in favour of me his unworthy but most zealous and faithfull servant: as this will undoubtedly suppress all the seditious attempts of that most contemptible party, I cannot forbear congratulating your Ldships. upon it, seeing by means of that you'll be eas'd of much trouble, and H.M. service in these parts goe forward as you would have it. At the same time (and all by the last post from Boston) I receiv'd one from your Secretary, with Mr. Mullford's complaints, which I think have been effectually answerd by the Council and Assembly here some time before I receiv'd them, and the answer transmitted to the Agent in order to be laid before your Lordships, in which you'll observe that he is in effect declar'd what he really is, and in all Governments has been, an enemy to the Publick: this was occasion'd by the paper printed at London call'd a Memorial of Aggreivances, and dispersd here. I did not indeed think him worth that notice he being really a craz'd man, but since he has given your Ldships. the trouble of his complaints I shall now again (for I have done it often before) state that case of the whale fishing, that you may have it in view. It was the custom in this Province long before I had the honour to preside in it, as will appear by the enclosed lycences, for all whale fishers to take out lycences from the Governour for such fishing, they agreeing and promiseing as fees or acknowledgment, to pay the twentieth part of the produce after all expence is deducted. Soon after my arrival here many such fishers (I know not but Mr. Mullford might have been in one or other of these Companys) came voluntarily to me for such lycences. Mr. Mullford at last thought fit singly to dispute that right. The matter was put upon an issue at law, pending the suit I submitted it to your Ldships, sent you the pleadings, and begg'd the Attorney Genls. advice or opinion which was transmitted to me, *etc. quoted*, in which, after haveing remark'd some errors in the pleadings on both sides, he concluded that judgment ought to be given for the Crown, long after the receipt of Mr. Attorney's opinion; and a rule for correcting the pleadings on both sides, judgment was accordingly given for the Crown, no appeal lodg'd or offer'd. I agree with the Gentlemen brought by Mr. Mullford before yr. Ldships. that there was not at any time neither is there now any tax or duty upon whale oyl, or whale bone in these Provinces, if they mean that there never was any acknowledgment paid for lycences it is false, for the inclosed lycences were issued dureing the residence of Mr. Cox and Mr. Godfrey in these Provinces, of which Mr. Cox then a Councillor cannot pretend ignorance. As to the proposal made by some merchants, all strangers to me, and known but by a few on this side. I must observe that if the whale fishing be decay'd it is not for want of numbers of fishers, for it is evident they increase yearly, but as the skillfull fishers declare it is oweing to the frequent wounding of whales which not being catched fright away the rest, neither is it so much decay'd as is pretended, but the truth of the matter is that the town of Boston is the port of trade of the people inhabiting that

1718.

end of Long Island of late years, so that the exportation from hence of that commodity must in the books be less than formerly, but I must farther observe that though ye perquisite arising by these lycences is in its self so inconsiderable that it is worth no Governours time to dispute it, yet should it at this time be given up it would only open a gap, and give encouragement to Mr. Mullford and such as he has misled to dispute every individual right of the Crown, or perquisite of the Government whatsoever, and the time has been, and may come again when if the Governour and the officers have no fees, he and the officers may be left to starve or beg for bread, and perhaps beg in vain, if they have not wherewithal to subsist themselves. For instance one other part of Mr. Mullford's complaint, the quit rents, upon my arrival here the Receiver General complain'd that there was a total cessation of payment of quit rents, and begged for a remedy, he hop'd for none in the common course of law, the delinquents not only trusting to, but bragging of the impossibility of finding juries in the country that would give a verdict for the Crown if left to a jury, upon which the delinquents were subpoena'd to the Court of Chancery, which immediately had its effect, for the arrears of quit rents were immediately brought in, and have ever since been regularly paid into the King's Receiver. As to Mr. Mullford's being cited whilst he was not a trustee for that township, truly it may be so, for it is impossible for an Attorney General to know precisely the names of the trustees of a township who are shifted and chang'd so frequently, and at that distance, but if he was not then he had immediately before been one of the trustees and at all times has mismanagd and misled that poor people who have little harm in them if he keeps away from them, and I have reason to beleive that by the very next conveyance I shall send your Lordships their formal renunciation of him, and all his works, but if Mr. Mullford had delayd or refusd to pay his quit rents, as he actually did, what exempted him from prosecution. Had I followd Mr. Mompesson's advice in the — cessavit per biennium, and by virtue of that vacated their grants, they would have had more reason to complain. Although as I humbly presume the Agent has laid before your Ldships. a copy of the Genl. Assembly's address to me, relating to that man and his conduct, yet I herewith send it again marked (C) together with the minutes of Council by which the Council approve, and joyn with them in said address. Mr. Mullford was prosecuted for printing or causing to be printed publishing and dispersing a false scandalous and malicious libel unjustly reflecting on the Governour, and Governmt. of this Province (as that Assembly which expell'd him term'd it) with an intent to raise sedition amongst the people, and in their minds an aversion to both, and as much as in him lay (as by that peice of eloquence its self appears which I have formerly sent to your Ldships.) to obstruct the settlement of a revenue, or any support of Government, to which he has been in all times an open avowed enemy, so it is false what he affirms that he was prosecuted for making a speech in the house, he has fled however from that

1718.

prosecution, and left his security in the lurch. *Encloses* a list of all the Acts passd in this last Session of Assembly here, which had a period very lately, as soon as they can be ingrossed I shall transmit them with the necessary observations. The Act for paying the remainder of all the publick debts occasion'd the length of this Session, at this time I shall say no more of that act than that it is just in its self, paying to absents, minors, and executors what was justly due to them, but neglected in the former act for that purpose and (which is I am sure a good argument for it with your Ldships.) paying those (or their heirs) who took up arms in favour of the happy revolution, and continued in the service in the several forts for that very cause a considerable time at their own cost, without any acknowledgment or satisfaction 'til now, and besides this I have had the luck to get allowance made in it for many publick and necessary services, which without this act could not easily have been compass'd: the cry which a few made against the strikeing more bills has no ground, or foundation, for there being real fonds given for the sinking such bills, they can have no less credit than the former, which are at this very time twenty-five per cent. better than those of all our neighbouring provinces, and in some fifty per cent. even in their own tradeing towns, and I do affirm, and beleive your Ldships. may have observ'd, that since the circulation of these bills the trade of the place has increas'd at least above one half of what it was, the truth of the matter is, this circulation ennables the many to trade to some small loss to the few who had monopolis'd it, and that is the true cause of the cry, if ever it should reach yr. Ldships. ears. *Refers to Attorney General's opinion, enclosed. Signed, Ro. Hunter. Endorsed, Reed. 24th, Read 28th March, 1718. 9 pp. Enclosed,*

- 317. i.-viii. Eight licences for whale fishing issued by Governor Lord Cornbury and Lt. Governor Ingoldesby, 1705-1709.
- 317. ix. Warrant by Governor Lord Cornbury for seizing whale-oil and bone made by Samuel Mullford without licence, 1st Dec., 1705. *Nos. i.-ix. endorsed as covering letter.*
- 317. x. Opinion of Sir E. Northey, Attorney General, upon proceedings concerning the whale fishery at New York, 30th July, 1713. *Same endorsement. Copy. $\frac{3}{4}$ p.*
- 317. xi. Address of the Assembly of New York to Governor Hunter. We have had under our consideration the paper entituled a Memorial of severall agreivances and oppressions of H.M. subjects sent us by your Excellency *etc.* We are utterly strangers at present to greivances and oppressions which if there were, wee of all men are under the greatest tye and obligation to remonstrate the same to you. There is no money raised or tax imposed on the people of this Colony but by their own consent in generall Assembly which is chearfully given by a dutifull people towards the support of his most sacred Majesty's Government over us, and which hath

1718.

been duly and faithfully apply'd to the uses intended and accounted for, to the satisfaction of the Generall Assembly during the time of your Excellency's administration, and you cannot with the least appearance of truth be charged with the misapplycation of the publick money or that in the administration of the Government you have in any instance stretch your power beyond its just limitts. The prosecution for Capt. Mulford was not for his endeavouring to have justice and right done, or speaking for the property and liberty of the subjects as is represented by the Memorialist. But for writing printing and publishing a scandalous lybell against the Government of this Colony to prevent the raising any support for it. He had first attempted it by way of speech in the Generall Assembly of which he then was a Member and was heard and past with impunity but when he ventured to print and publish what he there had said he was expelled as he justly deserved. The Memorialist (if he be not the same person) wee believe received the accounts he gives from him who tho one of the Assembly of this Colony is very much a stranger to the affaires and interest of it, and to promote his beloved Connecticut an enemy to it, the being tributaries to barbarous heathens was a cant very frequent with him while in the House and used by him to hinder the raising those necessary supplies the Government wanted to use in the Indian affaires. But, wee thank God, without any other effect than affording now and then some diversion, 'tis a little odd in a Memorialist who talks so warmly for liberty and property and represents the Province to be miserably distrest if not vassall by the raising of £30,000 for a Canada Expedition, £27,000 for the paying of their debts and about £4,000 a yeare to support the Government, to propose an expedition against the Indians at the expence of half our personall estates at once, for the pious purpose of cutting their throats and possessing their lands, and to make this chimericall project appear practicable, instances a Quebeck Expedition that brought 3,000 of them to temper with the loss of only three men, and two Granada shells. But wicked and ridiculous as this Memorial is, it may be attended with effects worthy the care of a Brittish Ministry to prevent, and had it been given some years since when the French were our enemies in the manner it now was to the Members of the House of Commons it would hardly afailed of bringing an Indian warr upon all the Colonies of English on the Continent. Your Excellency is not ignorant that by villainous arts the Indians are made to believe that the English on the Continent have agreed to cutt them off and that you are the only Governour that have refused to joyne in that execrable project, that it was

1718.

with difficulty they were perswaded to disbeleive it (if yet they do so) and if this silly Memoriall should fall into the hands of the enemies of the Government either forreigners or English what mischeivous use might not be made of it. The Indians will be told such a proposall has been made and to the Members of a Brittish Parliament and that it is under their consideration. Your Excellency but too well knows the ill impressions the Indians have received, and the disposition they are in to beleive such a tale, and the ill consequences that must attend the beleife of it. For our parts, wee think ourselves bound to declare our abhorrence and detestation of reducing the Indians by force and possessing their lands, except they first make warr upon us, for to the steadyness of these Indians to the interest of Great Brittain it is that wee owe in a great measure our present security from the irruptions of the more barbarous, whilst the warr with France continued, this Colony was not only covered and defended by these Indians but when expeditions were undertaken against the French on this side, wee ever found them most ready to assist in them with all their force, so that besides the injustice of such a vile attempt as surmised in that paper, if it were practicable such an action must bear the brand of the blackest perfidie and ingratitude, and we hope your Excellency and Council will joine with us in directions and instructions to the Agent to find out this offender and make application to H.M. Ministers in order to his being brought to justice. *Signed*, W. Nicoll, Speaker. 21st Oct., 1717. *Same endorsement. Copy.* 1½ pp.

317. xii. Minutes of Council of New York, 21st Oct. and 21st Nov. 1717. Concur with preceding and recommend that a paper signed Samuëll Mulford and intituled An Information be communicated to the Assembly *etc.* *Same endorsement.* 2½ pp.

317. xiii. List of 23 Acts of New York passed 27th May—23rd Dec., 1717. *Same endorsement.* 2½ pp.

317. xiv. Report upon Mr. Mulford's complaint against Governor Hunter by "the person who acts as Attorney General of New York." *Same endorsement.* 2¾ pp. [*C.O.* 5, 1051. *Nos.* 58, 58 i.-xiv.; and (*without enclosures*) 5, 1124. pp. 1-11.]

- Jan. 20. 318. Petition of Ollivier Tulon to the King. *Prays for* H.M. Order that Sir John Lambert may pay him the £400 due to him according to H.M. Order of Sept. 3rd, 1717; that he may be allowed to return to St. Pierre and pursue his fishing there; that his sureties at Bilbao may be discharged; and himself compensated for his expenses and loss of time, *etc.* *Signed*, Ollivier Tulon. *Endorsed*, Mr. Sec. Craggs wrote to the Lt. Governor of Placentia to permit Tulon to his house and fishing

1718.

trade, and to the Consul at Bilbao to discharge his securities. *2½ pp. Enclosed,*

318. i. Account of Tullon's fish sold at Bilbao 26 Nov. (N.S.), 1717. *2 pp.*

318. ii. [*? Ollivier Tulon*] to Mr. Secretary Addison. The fish has been sold at Bilbao for 2,926 peices of $\frac{8}{9}$ etc. *No date or signature. Copy. $\frac{3}{4}$ p. [C.O. 194, 23. Nos. 27, 27 i., ii.]*

Jan. 20.
Whitehall.

319. Council of Trade and Plantations to the Earl of Sunderland. *Reply* to 13th Jan. Col. Purcell has informed us that by the Government of Antigua, he meant the Government of the Leeward Islands etc. We have not had any intimation of H.M. intentions to remove the present Governor. [C.O. 153, 13. p. 190.]

Jan. 23.
Whitehall.

320. Council of Trade and Plantations to Mr. Secretary Addison. Enclose following to be laid before H.M.

320. i. Council of Trade and Plantations to the King. *Representation upon* the petition of William Cockburne (v. 21st Nov., 1717). The petitioner seems to suffer very great hardship by the decree of Chancery in Jamaica, and very justly to deserve your Majesty's favour ; But since the Governor of Jamaica is restrain'd by your Majesty's Instructions from allowing an appeal to your Majesty in any cause under the value of £500 sterling, which excludes the petitioner's case ; We are humbly of opinion that your Majty. may by a particular order, dispence with that Instruction and direct your Governor to allow of an appeal for the reasons mention'd in the Attorney's report hereunto annexed. [C.O. 138, 16. pp. 59-61.]

Jan. 23.

321. Thomas Minshall and other Fishmongers to the Council of Trade and Plantations. *Support* Mr. Borland's petition (v. 22nd Oct., 1717), the demand for sturgeon being great and the fishing at Pillaw, Dantzick and the Elbe decreasing etc. *Signed*, Tho. Minshall and six others. *Endorsed*, Recd. 23rd, Read 24th Jan., 1717. $\frac{3}{4}$ p. [C.O. 5, 866. No. 133 ; and 5, 915. pp. 79, 80.]

[Jan. 24.]

322. Copy of a dedimus to Thomas Bernard, Chief Justice of Jamaica, to administer the oaths to William Broderick, Attorney General, and William Nedham and James Risbee, Assistant Judges of the Supreme Court, and Thomas Barrow. 9th July, 1716. *Signed*, A. Hamilton. With certificate by Thomas Bernard that he did so administer them. 12th July, 1716. *Signed*, Tho. Bernard. *Endorsed*, Recd. 24th Jan., Read April 2nd, 1718. *3 pp.* [C.O. 137, 13. No. 2.]

[Jan. 24.]

323. Copy of a Commission for rehearing the trial of the sloop *Kingston*, 9th July, 1716. *Signed*, A. Hamilton. *Endorsed as preceding.* $5\frac{3}{4}$ pp. [C.O. 137, 13. No. 3.]

1718.

[Jan. 24.]

324. Copy of a dedimus to Wm. Brodrick and Wm. Nedham for administering oaths to Thomas Bernard, *v. supra.* 9th July, 1716. *Signed,* A. Hamilton. With certificate that the oaths were duly administered. 12th July, 1716. *Signed,* Wm. Brodrick. *Endorsed as preceding.* 3 pp. [C.O. 137, 13. No. 4.]

Jan. 24.

Whitehall:

325. Council of Trade and Plantations to the King. *Quote petition of Christopher Stoddard (v. 14th Nov., 1717.) Continue:—*We have discoursed several times with the said Stoddard and have considered the several proofs he has produced to us, we have likewise spoken with the widow of Capt. Mitchel and with such other persons as were able to give us any informations about this matter; and thereupon we humbly take leave to represent to your Majesty, that the said Stoddard was really a sufferer as he alledges when the French plundered the Island of St. Xphers in 1706, and had a debenture allowed him on that account but that the plantation on which he was at that time settled did not belong to himself, but to a brother of his by virtue of a temporary grant, that when your Majesty's petitioner settled again on the same plantation after the French left the Island the grant made to his bro. was expired and he had not obtained any for himself and that tho' he may have suffered by being afterwards dispossessed of the said plantation by Col. Parke, yet he never before now made any complaint on that account. As to what he complains of his being dispossessed now lately by one James Milliken of the other plantation, which he says he had been put in possession of by Captain Mitchel, we find the state of this matter to be as follows; that Captain Mitchell having a grant from Col. Douglas for 3 years of the said Plantation did some few months before the grant was to expire treat with Stoddard about entring with him in partnership on the said plantation; that accordingly Stoddard did bring some negroes of his own upon it and by their labour, and with some assistance from negroes belonging to Captain Mitchell did erect a dwelling house for himself upon the plantation, Captain Mitchell having one there already and likewise cleared some few acres of land: However there had only passed a verbal agreement, and none in writing between Captn. Mitchell and Stoddard. Captain Mitchel dyed soon after and his widow sent to require Stoddard to quit the plantation, she having consigned the house belonging to her late husband and all the right she might have to the plantation to one Mr. Cunyngham who was to give her a valuable consideration, in case he could get a renewal of the grant which Captain Mitchell had for the said plantations. That soon after the widow came over to England, and it appears that Stoddard continued on the plantation for some time undisturbed (without having obtained any grant for it). But upon the arrival of Genl. Hamilton the present Governor of the Leeward Islands, Stoddard as he affirms did make application to him for a temporary grant of the said plantation to which the Governor answered he had promised the grant of that plantation to one James Milliken but would give Stoddard some other which he the said Stoddard

1718.

not being satisfied with and refusing to withdraw from the plantation after the grant of it had been given to the said Milliken, he has been ejected by course of law. Considering what has been laid before us about this matter, we do not find that Stoddard has properly any right to the plantation, yet, if it be true as he affirms, that he had made considerable improvements upon it, he seems upon this account as well as upon that of his former sufferings, and of his numerous family, to have at least some title to your Majesty's compassion. But we have no account what Genl. Hamilton or James Milliken may have to offer about this matter there being no persons here instructed to appear for them. We beg leave to offer to your Majesty, that a copy of Stoddard's petition may be sent to Genl. Hamilton and to the said Milliken for their speedy answers thereto. [C.O. 153, 13. pp. 206-211.]

Jan. 27.
Whitehall.

326. Council of Trade and Plantations to the King. Representations upon the Act of New Jersey, 11th March, 1713, *that the solemn affirmation and declaration of the people called Quakers shall be taken instead of an oath in the usual form, and for qualifying them to serve as jurors and to execute any office etc.* Tho' this Act gives the Quakers greater indulgence, than is allowed them in this Kingdom, yet as your Majties. Governor, and other persons concerned in the affairs of that Province have represented to us that this Act is absolutely necessary for the strengthening the hands of the Government there, we have no objection why your Majesty may not be graciously pleased to confirm the sd. Act. [C.O. 5, 995. p. 426.]

Jan. 27.
Whitehall.

327. Council of Trade and Plantations to Mr. Secretary Addison. Sir Nicholas Lawes having acquainted us this morning with his intention of going next Monday to Portsmouth in order to proceed immediately to his govt. of Jamaica, desir'd that before he gos, he may receive H.M. directions, concerning the following matters; vizt. the opinion of the Attorney and Solicitor General upon some observations made by Sir Nicholas Lawes, concerning H.M. Proclamation for pardoning pirates *etc.* Our Representation (Sept.) for renewing the Commission for trying pirates *etc.*, and our letter (Oct. 24th) relating to Mr. Page; Sir N. Lawes acquainted us that he thought it absolutely necessary for H.M. service that the said Page should be remov'd; We cannot but agree intirely with him in this particular as well as in the necessity of his receiving H.M. directions, concerning the other matters beforemention'd; and therefore we desire you will be pleas'd to lay these matters before H.M. that his pleasure concerning them may be known before Sr. Nich. Lawes leaves Great Britain. [C.O. 138, 16. pp. 61-63.]

Jan. 28.
Whitehall.

328. Earl of Sunderland to the Council of Trade and Plantations. *Encloses following.* It is H.M. pleasure that you take care that the same be complied with. *Signed, Sunderland. Endorsed, Recd. 28th, Read 29th Jan., 1718. 1 p. Enclosed,*

1718.

328. i. Address of the House of Commons to the King, Jan. 27, 1718, that a report by the Council of Trade relating to Naval Stores may be laid before the House. *Copy.* $\frac{1}{4}$ p. [C.O. 323, 7. Nos. 118, 118 i.; and 324, 10. pp. 158, 159.]

Jan. 28.
Whitehall.

329. Council of Trade and Plantations to Governor Hamilton. We have in former letters recommended to you the using your utmost endeavours, to hinder the inhabitants of Anguilla, as well as of St. Christophers and other Islands under your Government from dispersing themselves and settling in Crab Island, by giving them assurances that they will be provided for as soon as ever the French part of St. Christophers is disposed of by publick authority, which we hope will now be very soon done; We must again recommend this to you as a matter of a very great importance, and desire you to send us by the very first opportunity an account of the present state of the said French part of St. Christophers, specifying how much of it, is possessed by temporary grants from you, or any former Governors, how much is disposed of by absolute grants from the Crown? and what part still remains not possessed or disposed of? in this account you will mention the names of each grantee, his qualifications, the number of acres he enjoys, what improvements he has made upon his plantation, and how long he has been in possession of it; And as you may have thought fit not to renew several grants, which had been made by former Governors, but to grant out the same plantations to other persons, we desire you to send us a particular account what alterations of that kind you have made; the names of the persons removed, as well as of the persons in favour of whom you made these alterations, and your reasons for so doing; we must on this occasion observe to you, that it will not be proper, you should for the future make any alterations of that kind: you cannot but be sensible, that when the time for the disposing of the aforesaid French part of St. Xtophers draws near, we shall have many applications in behalf of present and former possessors of plantations in the said part of the Island; and therefore you will think it highly necessary, even for your own sake that we should be fully and truly informed of the several particulars we now desire you to send an account of; we shall for the same reason expect to have this account as soon as possibly may be, We once more recommend to you the care of hindring the inhabitants, and particularly those of St. Xtophers from removing from thence, and we desire to know, if any are lately removed, the numbers of them, and what you believe to have been the occasion of their removing. [C.O. 153, 13. pp. 211-213.]

Jan. 28.
Boston.

330. Mr. Cumings to the Council of Trade and Plantations. The export of navall stores from Christmas, 1716 to 1717 from this port to Great Brittain [*was*] 8294 barls. pitch, 14,591 barls. tar, 13,160 barls. turpentine, 3,152 barls. oil. Besides sugar, molosses, ginger, furs, wood for dying and 555,000 of hhd. and barl.

1718.

staves and if your Lordships thought proper to gett the dutys taken off the timber from the Plantations it might be the means to encourage the making of greater quantities *etc.* The import of forreign goods since Midsummer (*v.* 17th Sept., 1717) stands thus, 316 hhds. molosses, 14 hhds. rume, 28 barls. and teirces of sugar, 19 bags of cotton wooll, 3 hhds., 2 barls., 124 bags of cocoa nutts: there has been for the last year in all imported 1,900 pipes of Fyall, Madera, and Canary wines and about 400 hhds. rume from our own Plantations since my last accot. *etc.* If an Inspector General of all the accounts of the import and export of the Continent was appointed it would be a means annuallly to give your Lordships a true state of the trade of the Continent *etc.* *Signed*, Archd. Cumings. *Endorsed*, Recd. Read 28th Feb., 17 $\frac{1}{8}$. 1 p. [C.O. 5, 866. No. 139.]

Jan. 29.
Whitehall.

331. Earl of Sunderland to the Governor of Jamaica. Encloses Order of Council, Jan. 9, directing the removal of Samuel Page from his office *etc.* *Signed*, Sunderland. [C.O. 324, 33. p. 129.]

Jan. 29.
Whitehall.

332. *Same* to Mr. Congreve. I send you the copy of an Order of Council directing the removal of Mr. Samuel Page from being your Deputy, as Secretary of Jamaica; and I am to signify to you H.M. Pleasure, that you forthwith comply with the said Order. *Signed*, Sunderland. [C.O. 324, 33. p. 130.]

Jan. 29.
Whitehall.

333. Council of Trade and Plantations to the King. Recommend for confirmation Act of New York *for preventing the multiplicity of lawsuits etc.* [C.O. 5, 1123. pp. 509, 510; and 5, 1019. No. 96.]

Jan. 29.
Whitehall.

334. Council of Trade and Plantations to Lt. Governor Spotswood. *Acknowledge* letter of Aug. 29th. We observe with satisfaction that the journals you have now transmitted, are minuted in the margent, as we had desir'd of you. As it's a very great ease to us in the multiplicity of business that is before us and a conveniency in finding out anything we may have occasion to look into. We doubt not but you will continue this method for the future. We likewise approve of the reformation you have made in relation to the Revenue arising by the sale of lands *etc.* We have laid before H.M. what you writ *etc.* concerning Mr. Beverley *etc.* H.M. has thereupon been pleas'd to direct that the same be transmitted to His Envoy Extraordinary at the Court of Spain, that proper applications be made in H.M. name in that matter. We are still of the same opinion we were in relation to the appointing Courts of Oyer and Terminer. But that this matter might be entirely out of dispute, we sent the sevl. papers recd. from yourself, as also from the Council, to Mr. Attorney General, a copy of which you have here inclos'd, to be communicated to the Council that they may govern themselves accordingly for the future. We doubt not but you will, on your part, make a discreet use of that power

1718.

lodg'd in your hands, which seems not proper to be exerted but on extraordinary occasions. It is necessary for us in considering the general state of the trade of this Kingdom to have accounts of the trades of each particular country. And as we have accounts of what goods are sent from hence to the Maderas and Western Islands, so it is requisite that we shou'd be inform'd of what returns are made from thence. But the main of the exports from those Islands being to the Plantations in America; we can get here no account of them. And tho' the Naval Officers do sometimes give accounts of the entries of ships inwards, yet it is in such a confus'd manner (sometimes expressing the quantities of goods in some ships and oftner omitting it) that 'tis scarce practicable to make a true state of that trade; we desire you therefore to give immediate directions to the proper officer to make out an account of the imports from the Maderas and Western Islands for three years last past, and to send us the same by the first opportunity: And for the future we desire you to take care to give us annual accounts of the said imports. We are further to desire of you a particular account of all grants of land made by you since your Govt. whether they be temporary or perpetual specifying the number of acres granted, what quit rent is reserv'd upon them with the name of the grantee, and the reasons inducing you to make such grant. We send you here inclos'd the copy of a Memorial lately laid before us concerning the progress the French have made in finding out and securing a passage from St. Laurence or Canada River to their new settlement call'd Louisana, and down the River Mississippi in the Bay of Mexico, whereupon we must desire you to inform yourself as particularly as you can of the facts therein mention'd, and to acquaint us therewith as soon as possible, and give us your sentiments what methods may be most proper to be taken for preventing the inconveniences to which H.M. Plantations on the Continent of America, and the trade of this Kingdom may be subject by such a communication between the French settlements. [C.O. 5, 1365. pp. 39-43; and (rough draft) 5, 1335. pp. 9-16.]

Jan. 29. **335.** Affidavit by Col. Valentine Morris of Antigua. There are above 200 Roman Catholicks in Antigua capable of bearing arms. In the evening of St. Patrick's day since H.M. accession 50 or 60 of them got together in St. John's at midnight and drank ye Pretender's health several of them with drawn swords and roved about ye town in a riotous manner insomuch that the Captain of the Guard drew out the guard. Being C.O. of H.M. Regiment of Foot then posted in ye Leeward Islands, deponent on next St. Patrick's day ordered the Town Guard to be reinforced *etc.* Deponent has been informed of many other instances of the disaffection of the Roman Catholicks of ye said Island to his present Majesty. *Signed*, Vall. Morris. *Endorsed*, Read 8th April, 1718. 1 p. [C.O. 152, 12. No. 75.]

Jan. 30. **336.** Orders of Council. Confirming Acts of St. Christophers Whitehall. *to prevent the danger that may happen by fire etc.* (1716) and to

1718.

impower the Surveyor to turn the windward common path Eastward, etc., (1717). (v. 16th Oct., 1717); and confirming an Act of Antegoa, (1717) *for constituting a Court of Chancery*. Signed, Edward Southwell. *Endorsed*, Recd. 24th, Read 25th Feb., 17 $\frac{1}{8}$. 1 $\frac{1}{2}$ pp. [C.O. 152, 12. No. 65; and 153, 13. pp. 231, 232.]

Jan. 30. **337.** Order of Council. Repealing Act of Antegoa, 1716, Whitehall. *for establishing a Court of King's Bench, Common Pleas, and errors, etc.* (v. 16th Oct., 1717). Signed and endorsed as preceding. 1 $\frac{1}{2}$ pp. [C.O. 152, 12. No. 66; and 153, 13. pp. 229-231.]

Jan. 30. **338.** Order of Council. Approving Representation of 18th Whitehall. Sept., 1717, and ordering warrants to be prepared for Commissions to pass under the Great Seal for trying pirates in the Plantations, in like manner as those issued in 1700. The Council of Trade are to present the names of such persons as they shall think proper for executing the said Commissions, and whatever else they shall think necessary *etc.* Signed, Robert Hales. *Endorsed*, Recd., Read 3rd Feb., 17 $\frac{1}{8}$. 1 p. [C.O. 323, 7. No. 119; and 324, 10. pp. 159, 160; and (copy of first part only, endorsed, Recd. 24th, Read 25th Feb., 17 $\frac{1}{8}$), 323, 7. No. 124; and 324, 10. pp. 192, 193.]

Jan. 31. **339.** Memorandum of Commission appointing the Earl of Holdernessee a Lord Commissioner of Trade and Plantations instead of the Earl of Suffolk and Bindon. *Endorsed*, Recd. Read 7th Feb., 17 $\frac{1}{8}$. *Slip*. [C.O. 388, 77. No. 38.]

Feb. 1. **340.** Lt. Governor Doucett to the Council of Trade and Annapolis Royal. Encloses following. Signed, John Doucett. *Endorsed*, Recd., Read 22nd May, 1718. 1 p. *Enclosed*,

340. i. Address of Officers, soldiers and inhabitants of Annapolis Royal. *Congratulate* H.M. on his victory over the "fomenters of the late horrid and unnaturall rebellion" *etc.* "Your mild and unparrall'd administration can only proceed from yor. Majesty's innate goodness" *etc.* *Return thanks* for sending them Lt. Governor Doucett *etc.* [C.O. 217, 2. Nos. 48, 48 i.; and 218, 1, p. 355.]

Feb. 1. **341.** Mr. Carkesse to Mr. Popple. In reply to 6th Dec., Custom ho., London. encloses Naval Officers' accounts from Boston, Salem and Marblehead, 1714-1717 *etc.* Signed, Cha. Carkesse. *Endorsed*, Recd. 1st Feb., Read 15th Oct., 1718. *Addressed*. 1 p. [C.O. 5, 867. No. 16; and 5, 915. pp. 220, 221.]

Feb. 2. **342.** Order of King in Council. Referring following to the St. James's. Council of Trade and Plantations, who are to take Mr. Attorney and Sollicitor Generall's opinions thereupon, and report the same to this Board, together with what their Lordps. conceive H.M. may fitly doe therein. Signed, Robert Hales. *Endorsed*, Recd., Read 5th Feb., 17 $\frac{1}{8}$. 1 p. *Enclosed*,

1718.

342. i. Petition of William Byrd to the King. The Judges of the General Court in Virginia have from the first settlement of that Colony had the sole cognizance of all criminall causes, except in some very few extraordinary instances, which jurisdiction was granted to them by letters patents, and confirmed by sundry acts of Assembly. Her late Majesty by her Instruction appointed two Courts of Oyer and Terminer to be held on the 2nd Tuesday in June and Dec. Which Instruction was sent with the gracious intention, that persons accused of any crime might be brought to a more speedy tryall : But whereas the Governor is by that Instruction enabled to appoint in the said Courts, what Judges he pleases without the advice of your Majestys Councill, whereby he will have the lives, the libertys, and estates of all your Majtys. good subjects in that Colony intirely in his power, and be able to defeat the settled jurisdiction of your Majtys. said Genl. Court, whenever he shall think fit, *prays that* by H.M. Instruction the Judges of the General Court may be appointed the Justices of the said Courts of Oyer and Terminer, except in cases of an extraordinary nature, *etc.* Copy. 1½ pp.

342. ii. Reasons why the Governor of Virginia shou'd not be empower'd to appoint what Justices he pleases *etc.* 1 p. [C.O. 5, 1318. Nos. 43, 43 i., ii. ; and (without enclosures) 5, 1365. pp. 47, 48.]

Feb. 3.
Whitehall.

343. Council of Trade and Plantations to the King. Having lately had occasion to look into some of the old laws of Virginia, we find two still in force which we humbly conceive to be of very ill consequence, and having had the opinion of your Majesty's Attorney General thereupon, we humbly take leave to represent that the 1st is an Act *prohibiting the unlawful assembling of Quakers, etc.* Described as Dec. 28th, 1717. Continue :— Upon which we beg leave to observe that shou'd this Act be put in execution it wou'd prove very injurious to that Colony by banishing from thence great numbers of industrious inhabitants, and an exemption from the like penalties being allow'd to Quakers in England by an Act pass'd in the first year of K. Wm. and Mary *etc.*, We therefore humbly offer that your Majesty be pleas'd to signify your disapprobation and disallowance of the said Act of Virga. The other is an Act concerning foreign debts *etc.* (v. Dec. 28, 1717), which we humbly conceive unjust in itself and a hardship upon your Majesty's subjects here. And this Act having been several times pleaded as we have been inform'd in the Courts there in bar of very just actions, we humbly offer that your Majesty be likewise pleas'd to signify your disallowance of the said Act. [C.O. 5, 1365. pp. 44-47.]

Feb. 3.
Whitehall.

344. Council of Trade and Plantations to Governor Hunter. *Abstract.* Acknowledge letters and refer to theirs of Sept. 4th, which will, they hope put an end to difficulties upon account of

1718.

Mr. Cox. Have recommended for confirmation act about Quakers, and act repealing the act *for ascertaining place of sitting*. He will always have an opportunity of justifying himself. His answer to the petition of the traders of New Jersey is very satisfactory. Hope that he will be able fully to vindicate himself from Mr. Mulford's charges. Three members of Council have been appointed as he desired, but as there are no persons authorized on behalf of the Province or the persons appointed to be Councillor to pay the fees in the several offices there may be some delay in getting the orders and warrants dispatched. Ask for accounts of imports from Madeira and the Western Islands and for information of French activity on the Mississippi *as No. 334*. Do not find that Col. Ingoldsby's commission as Lt. Governor of New Jersey was revoked at the same time as his commission as Lt. Governor of New York. "You must therefore explain particularly, what grounds you had for saying Col. Ingolsby had no authority to pass those acts. We desire likewise to know what objections you have against such of the acts themselves as are not expired. We have received from Mr. Philips an affidavit to the truth of the copies of two letters writ by D. C. and Henry Joyce (*v. Feb. 11*) which we have transmitted to Mr. Secretary Addison to apprise him of the endeavours of your enemys to disturb you in your Government. There shall be nothing wanting on our parts to discountenance any such attempts against you." *Set out*, N.J. Arch., 1st Ser. iv. 335. [*C.O. 5, 995. pp. 428-433.*]

Feb. 3.
Bermuda.

345. Lt. Governor Bennett to the Council of Trade and Plantations. On the 25th of Decr. I was honour'd with yor. Lordps. of 16th of May last via Barbados, with duplicates of yors. of 4th of Augt. 1715, and 30th of May, 1716, the originals of which have not come to hand. I should now have answer'd them if time would have permitted, but am prepareing to send by the way of Barbados when I shall write att large. *Refers to letter and enclosures* of 30th July last. *Continues*: There only remains to be sent the account relating to an imposition on trade, which was laid on for the building an house for me and succeeding Governors, which acct. I have directed the Collector of that tax forthwith to prepare in ordr. for yr. Lordps. *etc.* Haveing recd. some of H.M. Proclamations relateing to the pirates I on the 19th of Dec. last sent a sloop with them to Providence where they were accepted of with great joy, there being near 300 of them, and most agreed that in a little time they would come and surrender themselves to me, and added they were satisfied that others their consorts that were out a cruiseing, when they heard of the proclamation, would doe the like, soe that I hope it will have a happy effect: Capt. Henry Jennings one of them (who left off that way of liveing some months since) has arrived here who with seven others have surrendred themselves: The method I take on that occasion is to give a certificate to the person surrendring according to a copy herein inclosed which I hope is right, but presume a pardon must follow therefore

1718.

desire directions therein *etc.* *Signed*, Ben. Bennett. *Endorsed*, Recd., Read 27th March, 1718. *Holograph*. 1½ pp. *Enclosed*,

345. i. Form of certificate issued by Lt. Governor Bennett to surrendered pirates, 1718. (*v. preceding*). *Same endorsement*. 1 p.

345. ii. Thomas Nichols, a pirate, to Lt. Governor Bennett. *Returns thanks* for his care in communicating H.M. Proclamation by Capt. Bennett, his only son. Some of us readily embrace the same *etc.* Providence, 10th Jan., 1717 (1718). *Signed*, Thos. Nichols. *Same endorsement*. *Copy*. ¾ p.

345. iii. F. Leslei, pirate, to Lt. Governor Bennett. Gladly accepts H.M. pardon *etc.* *Signed*, F. Leslei. *Same endorsement*. *Copy*. ¾ p. [*C.O.* 37, 10. Nos. 7, 7 i.-iii. ; and (*abstract of covering letter*) 37, 24. p. 5.]

Feb. 4. **346.** H.M. Warrant for admitting John Parker to the
St. James's. Council of New Jersey, in the room of Hugh Hoddy, deed. *Countersigned*, J. Addison. [*C.O.* 324, 33. p. 131.]

Feb. 4. **347.** H.M. Warrant for admitting Peter Fretwell to the
St. James's. Council of New Jersey, in the room of Elisha Parker deceased. *Memorandum*. [*C.O.* 324, 33. p. 132.]

Feb. 4. **348.** H.M. Warrant for admitting John Wells to the Council
St. James's. of New Jersey in the room of George Deacon, by reason of his great age and infirmity become incapable of that employment. *Memorandum*. [*C.O.* 324, 33. p. 132.]

Feb. 4. **349.** Mr. Mulford to the Council of Trade and Plantations. Prays for report upon his petition, referred to them 14th March, 1715 *etc.* *Signed*, Saml. Mulford. *Endorsed*, Recd. 11th, Read 12th Feb., 171½. 2 pp. [*C.O.* 5, 1051. No. 50.]

Feb. 5. **350.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Addison. *Report upon* petition of Don Bernardo de Guardia and P. Diharce (*v.* 15th June, 1717). We cannot conceive how they should be reliev'd by H.M. against that sentence, (*i.e. of the Court of Admiralty in Jamaica condemning the Nostra Senora de Bethlehem*) but by the common course of law ; much less can we take upon us to ascertain the value of the ship and cargo, this being more properly the province of a Court of Judicature, where both parties may be heard by their Council, and produce their sevl. proofs *etc.* We cannot say what the petitioners' view may have been in making this extraordinary application to H.M. ; But as we observe that their pretence for so doing is that they could not obtain redress in Jamaica ; We must take notice, that they have been very deficient in the proofs of this allegation in their petition ; and that on the contrary it dos appear to us, that upon complaint made against this sentence in the Court of Admiralty by the persons concern'd to H.M. then Governor the

1718.

Lord Archd. Hamilton, he dispensd with the common forms in their favour, receivd their appeal, and did appoint a Court of Delegates to reexamine the cause in order to reverse that sentence, if it shoud not have been justly founded, as appears by a copy of a Commission under the broad Seal of the Island for that purpose ; It is likewise evident that his Lordp. was so far inclin'd to do justice to the Spaniards on this occasion, that being a part owner in the ship that had taken the Belandra, he did not only deposit his own share of the prize as thinking the same illegal, but did likewise oblige the other persons concern'd, as well as those that had been security for the captors' just and legal behaviour in that voyage, to enter into recognizances, whereby as far as in him layd he did secure very considerable sums towards making good the damages complain'd of by the Spaniards to the great satisfaction of Don Juan del Valle, who was impowerd by the owners of the prize to solicit this affair. By what motives the partys concern'd in this dispute have since my Lord Archibald's removal from the Govt. of Jamaica, been induc'd to put this matter into a new method and rather to apply in this manner to H.M., than to pursue their right in the ordinary course of Law : we shall not determine, but certain it is, that however unjust and partial, that sentence in the Court of Admiralty in Jamaica may have been, it must and will remain in full force, till it shall be reversd upon a regular appeal, wch. woud intitle the Petrs. to the sevl. sums deposited and secur'd for their use by the Lord A. Hamilton ; and if they shoud fall short of the just demand it woud then be time enough to apply to H.M. for further redress ; But even in that case it might first be reasonable to consider of some methods for obtaining reparation for the many and great losses H.M. subjects have sustain'd in those seas by the Spaniards, a list whereof presented to us by the merchants trading to those parts ; we have hereunto annexd, desiring you woud be pleas'd to lay the same before H.M. that he may be graciously pleas'd to give the proper orders to His Minister at Madrid to apply to that Court in behalf of the persons aggrievd. [C.O. 138, 16. pp. 72-76.]

Feb. 6.
Annapolis
Royal.

351. Lt. Governor Doucett to the Council of Trade and Plantations. *Encloses following. Continues:*—I hope your Lordships will take such measures as may prevent the like for the future, which might easily be done were there three, or four sloop's, of four, or six guns each *etc.*, to cruize between the Gutt of Cancer, and Mount Desart, in the Bay of Fundy. Likewise up the Bay to prevent the smuggling traders *etc.* (No. ii.). I have granted their request they haveing made it apear that they should only be the sufferers, haveing made provision for the fishing season of this year before I arrived. I have wrote to the French att Minis and to the Preist, to advise him not to influence the inhabitants against doeing their duty in swearing alegiance to H.M. *etc.* P.S. This place wants extreamly a proper officer to decide controversy's arriseing upon seizure's made by the Collectr. of this Port. Some haveing lain four

1718.

or five year's, for want of a person to judge in that affair, which is a greivance to the subject, and loss to H.M. *Signed*, John Doucett. *Endorsed*, Recd. Read 22 May, 1718. 2 pp. *Enclosed*,

351. i. Capt. Southack to Lt. Governor Doucett. Boston, Jan. 9, 1718. Here is come Mr. John Hinshaw and Capt. Giles Hall, from makeing their fishing voyage att Cape Cancer *etc.* They say there came over from Island Bretton a great many French Commanders of ships with their men, and shallops, to make a fishing voyage att Cape Cancer, and the Islands adjacent for five leagues westward, in the territories and dominions of Nova Scotia, and carried off about 20,000 quantalls of cod fish, which is contrary to the Articles of Peace att Utrecht *etc.* *Quotes Articles* 12-14. *Continues*: Severall French familys are come to Cape Cancer and place's adjacent without takeing the oath of alligence. Fort St. Lewis and the boundaries there belonging which is to Cape Cancer and west five leagues to White Head I took in 1690 and lost a great many men in takeing of it; I hope it would be given to the capter's or some part of it, as my gracious Sovereign will and pleasure will be *etc.* There is a French man his name is Le Sone he is come over from Cape Breton to Cape Cancer, and there has built him a house and stage for fishing tho he has been an inhabitant att Annapolis Royal, and they know him to be a very great rogue, and now att Cape Cancer makes all the mischeif he can against the interest of the English. *Signed*, Cyprian Southack. *Endorsed as preceding. Copy. 3 pp.*

351. ii. Address of Inhabitants and Merchants of Annapolis Royal to Lt. Governor Doucett. Annapolis Royall, Feb. 5, 1718. Since the reduction of this place there never hath been any regulation nor notice taken of the commerce of this Colony which dayly improves and is perhaps (considering the hardshippes wee have heitherto been under) in as faire a way of flourishing as any other of H.M. Plantations *etc.* provided that some articles may be removed *etc.* The trade cheifly consisting in furs, fish, and grain, there have been butt some small quantitys lawfully exported, whereas if a proper method could be taken to hinder the clandestine trade carried on by some from New England, Cape Bretton, and Canada, who never come either to enter or cleare at this port *etc.*, the product of the Country would not only appear considerable more, butt encourage those very smugglers and other English people to settell the pleace for the benefitt of the trade. For the want of Englishmen wee who are the first inhabitants, have not only already suffered very much butt must labour under some other unsupportable inconveniences, if our former priveledge of employing the French inhabitants in our fishing vessells, or to have any commerce with them is to be

1718.

abridged, which will certainly terminate in our ruin *etc.* For at the end of every fishing season wee are obliged to be at great expence for the ensuing year which wee had most partly don before your arrival here, besides the great charge of keeping men on wages for that purpose which wee were induced to doe by our past libertys and encouragement from the Surveyor General, Caleb Heathcote (*quoted*). *Pray* to be allowed to continue employing French fishermen of the Colony to go out in their bottoms until Governor Phillips shall arrive and decide *etc.* *Signed*, Will. Wright and 13 others. *Endorsed as preceding. Copy. Torn. 1 large p.* [C.O. 217, 2. Nos. 49, 49 i., ii.; and (*without enclosures*) 218, 1. pp. 356, 357.]

Feb. 6.
Annapolis
Royal.

352. Lt. Governor Doucett to Mr. Popple. I was extream sorry to leave London without takeing my leave of you *etc.* *Urges* request for three or four sloops to prevent the French from fishing and the smuggling traders, which would be cheaper and more effective than one man of war *etc.* *P.S.* Mr. Wright and I often drink yr. health, who is worthy the recommendation of Mr. Pople. *Signed*, John Doucett. *Endorsed*, Recd. Read 22nd May, 1718. 1 $\frac{3}{4}$ pp. [C.O. 217, 2. No. 50; and 218, 1. p. 358.]

Feb. 6.
St. James's.

353. H.M. Instructions to Woodes Rogers, Governor of the Bahama Islands. v. No. 220 ii. *Signed*, G. R. [C.O. 324, 33. pp. 127–129; and 5, 189. pp. 381–383.]

[Feb. 7.]

354. Jeremiah Dummer, Agent for New England to the Council of Trade and Plantations. Several persons having engag'd in a design to employ Agents in New England for the catching and curing sturgeon, have petition'd H.M. for a patent for importing it to Great Britain exclusive of all others *etc.* Such a monopoly is contrary to the natural and common rights of all H.M. subjects, besides that it would prejudice the trade itselfe, and be very injurious to the people of New England, who have labour'd in the catching and curing this fish for above 60 years past. *Prays* to be heard before such petition is reported upon. *Signed*, Jer. Dummer. *Endorsed*, Recd., Read 7th Feb., 171 $\frac{7}{8}$. 1 p. [C.O. 5, 866. No. 135.]

Feb. 7.
Whitehall.

355. Mr. Popple to Sir W. Thomson. Requests reply to 10th Jan. as soon as possible *etc.* [C.O. 5, 915. p. 81.]

Feb. 7.
London.

356. Governor Sir N. Lawes to the Council of Trade and Plantations. I being upon the point of embarking for Jamaica, I beg leave to observe how wrong soever it was in the Legislature of Jamaica to lay a higher duty on the South Sea Company's negros re-exported than any others H.M. subjects, or how right soever it may be thought here, that no duty at all should be laid upon them. Yet I foresee with great concern that the Assembly may, and I fear will think their rights, and long accustomed

1718.

liberties invaded by any restraint which shall be laid upon them by the Sovereigns limitting them what they shall, or shall not levie, or raise the aids demanded of them for publick service. And as the Assiento contract being in the hands of the South Sea Company is believed by the people of Jamaica to be many ways injurious to the commerce, and prejudicial to the planting interest of the Island, and consequently, say they of less advantage to the Mother Kingdome, I apprehend their being of that opinion, and so restrained in favour of the South Sea Company will contribute very much to their obstinate insisting upon that supposed right, and property of levying money for the support of H.M. Government upon the commerce, and trade of the Island without limitation. There are several matters in my Instructions, by which I am to move the Assembly to make provision for, as subsistence for the Independant Companies, paying the debts *etc.* Wherefore I humbly represent that as those things have not been obtained without their difficulties, and sometimes rejected even to a want of duty in former Assemblies, those people, who have been too willing, without such provocation, to obstruct the King's interest, tho' in truth 'tis the Countries, may take occasion to revive their opposition and make it popular from these limitations. I fully resolve to obey my Instructions with the utmost exactness *etc.* I hope your Lordships will consider that the groce produce of Jamaica, yearly imported into England is not less than 6 I believe £700,000, of its native product, and capable of great improvements. Besides the private trade (which is now almost lost) use to bring into England between 2 and £3,000 a year in ps. $\frac{8}{10}$ silver, and gold. Suffer me to remind your Lordships that the standing revenue of Jamaica is not above £4,000 a year and the law that settles the same expires in about 8 years. The first charges, and contingent expence of the Government is seldome less than £6,000 a year. If the Assembly refuse or delay to grant the Additional Duty Bill, I hope I may without offence ask your Lordships what measures must I take to support that Governmt. with honour, and safety, *etc.* Signed, Nicholas Lawes. Endorsed, Recd. 7th, Read 10th Feb., 17 $\frac{1}{8}$. 2 $\frac{1}{2}$ pp. [C.O. 137, 12. No. 114; and 138, 16. pp. 76-81.]

Feb. 7.
Jamaica.

357. Peter Heywood, Commander in Chief of Jamaica, to the Council of Trade and Plantations. No ship or vessell hath say'd from this Island, since my last of the 21st Dec., nor hath anything of moment offer'd for me to write yor. Lordships, onely that Capt. Durell of H.M. sloop *Swift*, show'd me H.M. royall Proclamation of pardon, to the pyrates together with the Instructions he had reced. from the Admiralty Board, upon receipt of which, I forthwith sent out two vessells in quest of them, by advice of the Councill, one of wch. came up with Hornigold, and one or two more his consorts, who sent me their resolution in the inclos'd copy, and wth. it came in six of them, who told me their consorts would doe the same in a little time, but not haveing since heard from them I doubt the performing of

1718.

their promise. I have sent another wch. I wish may have the good effect H.M. intends. *Signed*, Peter Heywood. *Endorsed*, Recd. 18th, Read 22nd April, 1718. 1 p. *Enclosed*,

357. i. [*Capt. Hornigold and other pirates*] to Peter Heywood, C. in C. of Jamaica. Wee embrace H.M. act of grace and return H.M. our hearty thanks for the same *etc.* 1 p. [*C.O. 137, 13. Nos. 5, 5 i. ; and (without enclosure) 138, 16. pp. 110, 111.*]

Feb. 8.
Antigua.

358. Governor Hamilton to the Council of Trade and Plantations. *Encloses* depositions made against Thomas Morris *etc.* "whom I have suspended by the unanimous advice of the Lt. Governr. and the rest of the Councill." *Refers to enclosed Minutes and asks for* "H.M. pleasure thereon pr. first opportunity." *Continues* :—The conduct of Coll. Morris in many other respects are not verry becomming a member of that board. He is frequently engaged in broils and quarrells, most of which are occasioned by his abusive language, and ill behaviour, as your Lordships may be informed by most transcient men, and masters of ship's that use the trade of this place, and particularly by one William Tudor Commander of the *Warner friggott* belonging to London, whom he beat and abused in a most cruell manner without any just provocation. His authority as a magistrate he has also verry ill used, and particularly in ordering and appointing one King master of a merchant ship now here to act as a constable, and to take a poore woman from her house carry her on board his vessell and to duck her, and that even without any conviction or tryall (as I can hear) for the crime lay'd to her charge, for refusing of which he insulted and abused the saied Master, so that upon the whole I must say I think him very unworthy of the honour that has been conferred on him by H.M. in appointing him one of the members of his Councill for this Island. It is with great unwillingness that I at any time take on me to do, or say anything to the disadvantage of any person either in his interest, or character. But the behaviour of Coll. Morris is so notorious, that I think I should be wanting in my duty to H.M. if I had omitted suspending of him *etc.*" *Asks for their Lordships' opinion.* *Continues* :—By the death of Coll. Oliver the suspension of Coll. Morris and the absence of foure other members, who are at present in Britaine, there are but five members besides the Lieutenant Governour now on the Island, so that at the next meeting of the Councill I intend Coll. John Gamble as a member of that board. He is a gentleman that has served as an officer in several expeditions against H.M. enemies in these parts, and withall has had the honour to command as an officer of the Militia in this Island for many years, during all which time he worthily discharged his duty in the severall posts he enjoyed. He was also Chiefe Justice of the Island for some time, but for want of health he resigned the same. But whilst he continued in that station he behaved himself with great honesty and integrity, so that I hope your Lordship will

1718.

represent him to H.M. as a person worthy to serve him in that station; his zeal and affection for H.M. Government and the Protestant succession in his illustrious House is beyond all dispute and his estate not inconsiderable amongst us. The vessell by which this is intended touches here by accident so that I must crave leave untill next oportunity for answering your Lordship's letters of 4th Oct. etc. I have caused the ould Great Seal to be broake in Council and shall take care to transmit the same to your Lordship's by the next oportunity etc. *Signed*, W. Hamilton. *Endorsed*, Recd. 29th March, Read 3rd April, 1718. *Holograph*. $2\frac{3}{4}$ pp. *Enclosed*,

358. i. Minutes of Council, Antigua, Feb. 3, 1717. Depositions of Samuel Parker, Robert Glover, Robert Jacobs, and Jonathan Martin, and proceedings relating to the suspension of Col. Thomas Morris etc. Deponents state that Col. Morris said to his coachman, "If I tell you to take His Majesty by the collar and beat him, you are to do it" etc. *Same endorsement*. 4 pp. [C.O. 152, 12. Nos. 70, 70 i.; and (without enclosure) 153, 13. pp. 270-274.]

Feb. 8.
Antigua.

359. Thomas Morris to the Council of Trade and Plantations. *Refers* his suspension to their Lordships. If the words alleged against him were true, which they are not, they would not be of weight to justify his suspension. The deponent Richard Glover, cooper, (No. i. *preceding*) was fined for speaking scandalous words against present Government, and approved the murder of General Parke etc. *Signed*, Thomas Morris. *Endorsed*, Recd. 31st March, Read 3rd April, 1718. *Addressed*. 1 p. *Enclosed*,

359. i. Deposition of Elizabeth Abraham, wife of Philip Abraham, of Antigua, 4th Feb., 1718. On 9th Jan. at the house of Nathaniel Wickham Thomas Morris expressed his anger with Capt. (*Edward*) Ting who had refused to act as a Constable at his bidding upon occasion of a disturbance in the street, but he did not speak the words alleged by Glover (*supra*). *Signed*, Eliz. Abraham. *Endorsed*, Recd. 31st March, Read 3rd April, 1718. 1 p.

359. ii. Deposition of Thomas Mountain, coachman to Mr. Morris. 4th Feb., 1718. *Confirms preceding*. *Signed*, Thomas Mountain, his mark. *Same endorsement*. $1\frac{1}{2}$ pp.

359. iii. Deposition of Timothy Keefe. *As preceding*. *Signed*, Timothy Keefe. *Same endorsement*. $1\frac{1}{2}$ pp.

359. iv. Deposition of Mary, wife of Nathaniel Wickham. *As preceding*. *Signed*, Mary Wickham. *Same endorsement*. 1 p.

359. v. Deposition of John Wickham. *As preceding*. *Signed*, Jno. Wickham. *Same endorsement*. 2 pp.

359. vi. Deposition of Nathaniel Wickham. *As preceding*. *Signed*, Nathl. Wickham. 2 pp.

1718.

359. vii. Deposition of Samuel Parry. *As preceding. Signed, Samuel Parry. Same endorsement. 1 p.*
359. viii. Deposition of Phillip Abrahams (Abram). *As preceding. Signed, Phillip Abram. Same endorsement. 1½ pp.*
359. ix. Deposition of Richd. Chapman. *As preceding. Signed, Richd. Chapman. Same endorsement. 2 pp.*
359. x. Deposition of Benjamin Rawleigh, Surgeon. *Confirms preceding. Signed, Benja. Rawleigh. Endorsed as preceding. 1 p.*
359. xi. Copy of interrogatories exhibited to Mr. Robt. Jefferson, Planter, by Tho. Morris and Saml. Parry, Justices of the Peace, by virtue of a General Commission granted by Governor Walter Douglas, Jan. 28, 171½. Witness admitted he was in arms on the occasion of the murder of Governor Parke. Since the arrival of H.E., Richard Glover told him that he beleived they had done a good action and that if twas to do again he would do it, meaning killing ye Generall. *Same endorsement. 1 p.*
359. xii. Deposition of Elizabeth, wife of John Wickham. *As No. i. Signed, Eliz. Wickham. Same endorsement. 1 p. [C.O. 152, 12. Nos. 71, 71 i.-xii.; and (without enclosures) 153, 13. pp. 274-278.]*

Feb. 9.
Council
Chamber,
Whitehall.

- 360.** Order of King in Council. Referring following to the Council of Trade and Plantations for their report. *Signed, Edward Southwell. Endorsed, Recd. 19th, Read 20th Feb., 171½. 1 p. Enclosed,*
360. i. Lords Proprietors of Carolina to the King. St. James's, 12th July, 1717. *Recommend the proposal of Sir Robert Montgomery to carry over several families at his own expence and settle and fortify the most southern part of Carolina as a separate Government, he to be governor for life etc. Pray H.M. approbation of him as Governor etc. v. A. P. C. II. No. 1285. Signed, Carteret Palatin, J. Bertie for D. of Beaufort, Fulwar Skipwith for Lord Craven, M. Ashley, J. Colleton, J. Danson. Copy. 2 pp. [C.O. 5, 1265. Nos. 90, 90 i.; and (without enclosure) 5, 1293. p. 136.]*

Feb. 9.
Whitehall.

- 361.** Order in Council. The Council of Trade and Plantations are to prepare forthwith such Instructions to be sent to the Governors of H.M. Plantations as they shall think proper; and particularly to Sr. Nicholas Lawes Governor of Jamaica, to enquire into the piracy's complained of by the Spaniards, and to do what in him lyes to procure them satisfaction; and present the said Instructions to this Board to be approved. *Signed, Edward Southwell. Endorsed, Recd. 14th, Read 17th Feb., 171½. 1 p. Enclosed,*
361. i. Copy of No. 201. 2¾ pp. [C.O. 137, 12. Nos. 115, 115 i.; and (without enclosure) 138, 16. pp. 82, 83.]

1718.

Feb. 9. **362.** Order in Council. Confirming grant of estate of Anna
 Whitehall. Kupius in Jamaica to Edwd. Pennant and Anthony Swimmer
 (v. Oct. 16, 1717). *Signed*, Edward Southwell. *Endorsed*, Recd.
 24th, Read 25th Feb., 1717. 1 p. [C.O. 137, 12. No. 117 ;
 and 138, 16. pp. 84, 85.]

Feb. 9. **363.** Order in Council. Confirming Acts of Jamaica, (i.)
 Whitehall. *for regulating fowling and fishing*, (ii.) *for the better securing the*
interests of orphans and creditors etc., past in 1711, (iii.) *for pre-*
serving the publick records, 1712, (iv.) *for the more easy serving*
of Constables, 1716. *Signed and endorsed as preceding.* 1½ pp.
 [C.O. 137, 12. No. 118 ; and 138, 16. pp. 85-87.]

Feb. 9. **364.** Order in Council. Approving Representation of 23rd
 Whitehall. Oct., 1717, and repealing Acts of Jamaica, (i.) *Declaring what*
persons shall be qualified to sitt in Assemblys (1711) ; (ii.) *to pre-*
vent hawking and disposing of goods clandestinely (1711) ; (iii.) *to*
disenable any Member of the Councill, or of the Assembly from
acting as Commissr. for receiving any publick money raised or to
be raised by the Govr. Council and Assembly etc. ; (iv.) *to oblige*
the sevl. inhabitants to provide themselves with a sufficient number
of white people etc. (1716) ; (v.) *to encourage the bringing over of*
white people etc. (1716) ; (vi.) *to repeale an Act for the better*
securing the estates and interests of orphans and creditors (1716) ;
 (vii.) *for granting a further relief in relation to proving of wills*
etc. (1716) ; (viii.) *to secure the freedom of elections etc.* (1716) ;
 (ix.) *to prevent any one man to hold two or more offices etc.* (1716).
 Mem. The Acts to encourage white men to settle (1712), and for the
 effectuall discovery of disaffected persons etc. (1716) were read,
 and postponed. *Signed and endorsed as preceding.* 3 pp. [C.O.
 137, 12. No. 119 ; and 138, 16. pp. 87-91.]

Feb. 9. **365.** Order in Council. Removing Samuel Page from the
 Whitehall. office of Depty. Secretary of Jamaica, and from all other offices
 of trust whatsoever in the said Island (v. 24th Oct., 1717). *Signed*
and endorsed as preceding. 1 p. [C.O. 137, 12. No. 120 ;
 and 137, 46. No. 29 ; and 138, 16. pp. 91, 92.]

Feb. 9. **366.** Order in Council. Referring representation of the
 Whitehall. Council of Trade and Plantations upon the petition of Wm.
 Cockburne (v. Jan. 23) to the Committee for hearing appeals from
 the Plantations for their opinion thereon. *Signed and endorsed*
as preceding. 1 p. [C.O. 137, 12. No. 121 ; and 138, 16. pp.
 92, 93.]

Feb. 9. **367.** Order in Council. Approving Representation of 18th
 Whitehall. Sept., 1717, and ordering the Governor of Jamaica to move the
 Generall Assembly in H.M. name to reimburse James Knight
 £620 with the usual interest of the Island, as therein proposed.
Signed and endorsed as preceding. 1 p. [C.O. 137, 12. No.
 122 ; and 138, 16. pp. 93, 94.]

1718.

Feb. 9.
Council
Chamber,
Whitehall.

368. Order in Council. Referring following to the Council of Trade and Plantations for their report. *Signed*, Edward Southwell. *Endorsed*, Recd. Read 24th Feb., 171¹⁷/₈. 1 p. *Enclosed*,

368. i. Petition of Churchwardens, Vestry and Parishioners of St. Philips, Antego, to the King. In pursuance of an Act of 1692 *for dividing the Island into parishes etc.*, the then vestry took up land in Willoughby Bay and purchased ground in Belfast whereon, respectively, a commodious church and a chapel of ease have been built *etc.* A certain late Vestry of the Parish not considering the poverty or ease of the parishioners and without conveneing them did order that a new parish church should be built and that upon a peice of ground given by John King, which is within one mile of the utmost extent of the said parish (which is 9 × 6 miles) and inaccessible for four months in the year by reason of the flouds of water *etc.* The said Vestry perceiving that the same order was disapproved of by the succeeding and present Vestry and upwards of three fourths of the parishioners in respect of the scituation and the inability of the parish to undertake so great a building and the view that that order had of suffering the said Church and Chappell of Ease to go to decay *etc.*, did privately apply to the Assembly *etc.*, and thereupon an Act was passed to *endempnifie Anthony Browne and John Eliot from a bond and agreement with George Pullen, Carpenter, for the building a Church in the parish of St. Philips and to charge the said parish with the same [etc.]* which enacts that the Church be erected on the ground given by John King *etc.*, and be esteemed the parish church *etc.* *There is no need for such, as the Act pretends*, the present church and chapel being in good repair and each of them sufficient to accommodate the whole of the parishioners *etc.* The proposed site is at no time convenient for any but those that made that order. Pullen would have acquitted them from the agreement, but they refused. *Pray H.M. to refuse assent to the Act etc. Signed, William Yeomans and 67 others. Copy. 77 pp. [C.O. 152, 12. Nos. 63, 63 i.; and 153, 13. pp. 217-224.]*

Feb. 9.
Whitehall.

369. Order in Council. Approving representation of 24th Jan. (*q.v.*), and ordering that a copy of Christopher Stoddard's petition be transmitted to Governor Hamilton and James Miliken, who are to return their answer in writing *etc.* *No signature. Endorsed*, Recd., Read 19th June, 1718. 1¹/₄ pp. [*C.O. 152, 12. No. 94; and 153, 13. pp. 315, 316.*]

Feb. 10.
Bloomsbury
Square.

370. George Trenchard to the Earl of Sunderland. *Encloses following.* Petitioners have done a signal service to H.M. and their country by stopping a very great encroachment of the

1718.

French on our Newfoundland trade, *etc.* Signed, Geo. Trenchard.
Addressed. Sealed. 1 p. Enclosed,

370. i. Petition of Ambrose Weston and William Cleeves to the King. Pray that their expenses for proceedings against Toulon la Gallantré (*Ollivier Tulon*), may be defrayed out of the money remitted from Bilbao for his seized fish, *etc.* Poole, Feb. 1st, 1717(18). Signed, Ambrose Weston, Wm. Cleeves. 1 p. [C.O. 194, 23. Nos. 28, 28 i.]

Feb. 10.
 Annapolis
 Royal.

371. Lt. Governor Doucett to the Council of Trade and Plantations. *Encloses following* replies received that morning. (v. 6th Feb.) *Continues*:—Some of the chiefs of the Indian's have been wth. me to tell me, that if wee expected them to continue our freind's, they expected presents yearly from H.M., as they allway's receiv'd when this country was in the hands of the French King. I promised I would writte to Great Brittain about it *etc.* Their is no mean's better then presents to gain them to our intrest, and keep them from goeing to Cape Breton and Canada, where they have still presents if they will goe for them *etc.* These place's being so farr off, I beleive they would not undertake such journey's were they taken notice of by us, *etc.* There is nothing but presents can ever wean them from their punctuall obedience, to the French preist's that are amongst them, for the generality of the Indian's would be sway'd more by the benefitts they receive in this world, then trust to all benefitts their preists can tell them, they will receive in the next. My Lords, if the Indian's could be gaind and this place settle'd, Great Brittain would reap ten time's the advantage that it can now, for the French gett almost all the furs and pelttry of the country, and send it away to Canada, and Cape Breton *etc.* Signed, John Doucett. *Endorsed, Recd., Read 22nd May, 1718. 2 pp. Enclosed,*

371. i. Lt. Governor Doucett to Père Felix, the Preist at Minis. Annapolis Royal. Dec. 4, 1717. Being no master of the French tongue, I have wrote to Mr. Mellanson, what I have in command from the King my Master, concerning the French inhabitants of this country, and hope they will be so wise *etc.* as to acknowledge his sovereignty by swearing allegiance to him, and thereby secure to themselves, and heirs, their Religion, estates, and the unparalleld liberty, and priviledges of Brittish subjects. I desire you after Mr. Mellanson has translated the paper inclos'd to him, to publish it, and hope you will give countenance to it, since their is nothing in it to disturb them in their Religion *etc.* I must also desire your concurrence wth. Mr. Mellanson, concerning the sloop att Maganshish. Signed, J. Doucett. *Same endorsement. 2 pp.*

371. ii. *Same* to Mr. Melanson att Minis. Dec. 5, 1717. *Prays* him to translate and publish enclosed for the inhabitants to sign *etc.*, and acquaint them, that I have

1718.

a positive command nott to let any of the inhabitants trade or fish on the coast of Nova Scotia, without first declaring themselves subjects to King George, who is, God be prais'd, as firm, and fixt in the Throne of Great Brittain, as ever Lewis the 14th was in the French Throne *etc.* I must also recommend to your care a sloop that was cast on shore at Maganshish, the owner intending in the spring to fetch her *etc.* *Signed and endorsed as preceding. Copy. 1½ pp.*

371. iii. Peter Mellanson to Lt. Governor Doucett. Minis, Jan. 25, (? N.S.) 1717¹⁷₁₈. Father Felix read your letter to all the inhabitants that could be got together. Father Felix will write to a Frenchman and his family living near La Hanne concerning the wrecked sloop *etc.* *Signed, Peter Mellanson. Same endorsement. ½ p.*

371. iv. French inhabitants of Minnes to Lt. Governor Doucett. *Reply to No. i.* Feb. 10, 1718. The bad weather and roads have prevented us from assembling in the outlying country. We pray you to grant us time so that we may assemble the whole Colony in order to decide. We cannot sign the oath of allegiance enclosed in your letter in the form presented to us, for three reasons (i.) that it does not sufficiently guarantee the liberty of our religion, (*ne s'estant pas assez sur la liberté de nostre religion etc.*) as has always been promised us, (ii.) if we did so, we should expose ourselves to the rage and fury of the Indians, and (iii.) because when our ancestors were under the English rule, such oaths were never exacted from them *etc.* *Signed, Pierre Terriot and eight others. Same endorsement. French. 1 p.* [*C.O. 217, 2. Nos. 51, 51 i.-iv. ; and (without enclosures) 218, 1. pp. 359-361.*]

Feb. 10. **372.** Council of Trade and Plantations to the King. *Submit*
Whitehall. names of Commissioners for trying pirates in the Plantations, as ordered 30th Jan. Cf. C.S.P. 1700. No. 498. *Set out,* N.J. Arch. 1st Ser. IV. 339. [*C.O. 324, 10. pp. 161-185.*]

Feb. 11. **373.** Mr. Philips, Agent for New York, to Mr. Popple. *Encloses following, to be laid before the Council of Trade and Plantations. Continues:*—By repeated letters from the Governor and others I am assured, that if there be not a speedy stop put to the groundless and malicious complaints of Cox and his adherents, it will be impossible that Brigadier Hunter or any other Governor should be able long to discharge his duty to any purpose: Likewise, that if Cox and his friends are not check'd and discountenanc'd, some poor ignorant wretches may be drawn in to be hang'd; and that it appears by the tenor of some of their letters, which have fallen into the hands of the Governor, that they have laboured hard for an assassination. Cox and his friends (in order to carry on their malice) write and speak false and reflecting things upon the Rt. Hon. the Commissioners of Trade, and make use of

1718.

the names of some of the King's Ministers, and other great men, not only without their leave, but even contrary to their intentions. As to Mulford's complaint about the whale-fishing, *believes that* Instructions relating to that matter from the Council and Assembly of New York were on board the *Mercury* (which is lost with all her men, excepting two or three.) *Encloses* addresses in favour of Governor Hunter. *Signed*, A. Philips. *Endorsed*, Recd., Read 12th Feb., 171 $\frac{1}{2}$. 4 pp. *Enclosed*,

373. i. Certificate by John Johnston, Mayor of New York, 24th Aug., 1717, that John Drummy swore to the truth of the following documents. *Signed*, John Johnston. 1 p.

373. ii. Deposition of John Drummy of New York, mercht. 24th Aug., 1717. In July last at Cape May he learned that letters from Mr. Cox and one Mr. Bustill at London were industriously handed about among the Justices and inhabitants of New Jersey, which very much disturbed their minds, leading them to declare that they would pay no more taxes to the present Government. He obtained the following copies *etc.* John Bradner, a dissenting Minister of Cape May, refused to allow his Congregation to have them published in their Meeting House *etc.* *Signed*, John Drummy. 2 $\frac{1}{4}$ pp.

373. iii. Copy of letter [*? from Daniel Cox*] referred to in preceding. The King's absence very much retarded our affaire *etc.* Four days after his returne the petition was read to him in Council, and contrary to the expectation of Coll. Hunter's freinds referred to a Committee of H.M. Councill for heareing appeals from the Plantations, and which was [*what*] wee laboured for, least it should be ordered before the Board of Trade which are by this management entirely debarred from haveing anything to doe in this affaire soe that his freind Dominique cant doe him that service that Coll. Hunter might have expected *etc.* His freinds urge all they can to deferr heareing till he comes for they know neither he nor they can stand the shock of the accusation *etc.* Wee lay before the Ministers the miserable condition of the people and the necessity of a speedy heareing *etc.* The management of Collo. Hunter and some Quakers in refference of an Act of Parliament passt here is highly resented here *etc.* You will soon find something done in that affaire that will not be pleaseing to the faction *etc.* *Refers to Mr. Bustill's letter.* There is noe fear of the removeal of such oppressions this spring or summer at furthest and the Quaker freinds will share his fate tho perhaps sooner. *Signed*, D. C. . 1 $\frac{1}{2}$ pp.

373. iv. Copy of letter [*? from Mr. Bustill, referred to in preceding*]. Describes voyage home and confirms preceding. *Adds*:—Col. Cox delayed the affair entrusted to him, as there was some uneasiness among

1718.

the Ministers of State about the turneing out my Lord Townshend, *etc.* There is hopes of a hearing in about a month. Col. Cox has beene favoured with the promise of severall Great Men, as the Lord Bishop of London who has promised to be at the heareing and will speake to the Lord Bishop of Canterbury who is one of the King's Cabinet Councill to be there likewise *etc.* Coll. Hunter interest is intirely sunck at Court since ye King's displeasure with the Duke of Argyle and wee cant learn that there is any one nobleman or person of distinction at Court will appeare for his interest. My Lord Cadogan can't heare him named with any tollerable patience *etc.* Soe that you have all imaginable reason to expect the removall of that opposor. Coll. Hunter refusing and printing against the Act of Parliament with Jamison and Gordons treatments of it seems very odd and surpriseing to those gentlemen in England that was most imediately concerned in passing it, and they have made a resolve to lay it before the King and the Act made null and void *etc.* Even Parliament men wonders how a Province of free-born Englishmen cold beare to be kept under soe much tyranny and oppression without serveing him even as the people of Antigua served Generall Parkes or else from being provoked to open resistance and endeavour our freedom by force of arms, but allow wee have done better in flying to a King who delights in acts of mercy and justice *etc.* Col. Hunter's issueing out warrants in ye Jerseys and forcing Members unto the House and make them prisoners at Amboy makes a merry story in England amongst those Parliament men that heard of it and 'tis said that article is enough to remove him *etc. as preceding. Signed, Hen. Joyce. 4 pp.*

373. v. Copy of Order of King in Council Jan. 23, 1717. 1 p. *The whole endorsed as covering letter.* [C.O. 5, 971. Nos. 71, 71 i.-v. ; and (without enclosures) 5, 995. pp. 435, 436.]

Feb. 12. **374.** Mr. Popple to Mr. Attorney General. *Encloses Act of*
Whitehall. New York *for the better settlement and assuring of lands, 1710, for*
his opinion in point of law, the Governor having proposed the
repeal thereof. [C.O. 5, 1123. p. 512.]

Feb. 13. **375.** *Same to Same. Encloses extracts of letters from Mr.*
Whitehall. Philips (11th Feb.), affidavit of John Drummie and letters from
Danl. Cox and Henry Joyce, upon which the Council of Trade
and Plantations desire to discourse with him, "as it will be for
H.M. service something should speedily be done to put a stop to
such false and malicious insinuations." *etc.* [C.O. 5, 1123.
p. 514.]

Feb. 13. **376.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Addison. *Enclose extracts etc. as preceding. Continue:—By*

1718.

which you will perceive the continued endeavours of Brigr. Hunter's enemies not only to distress him and the Government of the Jerseys, but even some instigations to assassinate him *etc.* *Enclose* address of Assembly of New York relating to Mulford's complaints. In all probability the Brigrs. answer has been lost in the *Mercury* (v. 11th Feb.) *etc.* So that we cannot make a full report thereupon till the next ships shall arrive *etc.* [C.O. 5, 1123. pp. 515, 516; and 5, 1079. No. 97.]

Feb. 13. **377.** Order of King in Council. Confirming Act of New
St. James's. York for preventing the multiplicity of lawsuits. Signed, Rob. Hales. Endorsed, Recd. 24th, Read 25th Feb., 17 $\frac{1}{8}$. 1 $\frac{1}{2}$ pp. [C.O. 5, 1051. No. 57; and 5, 1123. pp. 531, 532.]

Feb. 13. **378.** Order of King in Council. Confirming Acts of New
St. James's. Jersey, (i.) allowing the affirmation of Quakers *etc.* 1713 (v. 27th Jan., 1718); and (ii.) repealing the Act for ascertaining the place of sitting of the Assembly, 1716, (v. 11th Dec., 1717). Signed, Robert Hales. Endorsed, Recd. 24th, Read 25th Feb., 17 $\frac{1}{8}$. 2 pp. [C.O. 5, 971. No. 72; and 5, 995. pp. 437, 438.]

Feb. 13. **379.** Order of King in Council. Approving Representation
St. James's. of Feb. 10 and ordering Commissions accordingly: Signed, Edward Southwell. Endorsed, Recd. 24th, Read 25th Feb., 17 $\frac{1}{8}$. 1 p. [C.O. 323, 7. No. 125; and 324, 10. pp. 193, 194.]

Feb. 13. **380.** Order of King in Council. Repealing Acts of Virginia
St. James's. (i.) prohibiting the unlawful assembly of Quakers, (ii.) concerning foreign debts, *etc.* v. Feb. 3rd. Signed, Robert Hales. Endorsed, Recd., Read 21st Feb., 17 $\frac{1}{8}$. 1 $\frac{1}{4}$ pp. [C.O. 5, 1318. No. 44; and 5, 1365. pp. 49, 50.]

Feb. 14. **381.** Mr. Popple to the Commissioners of the Navy. The
Whitehall. Council of Trade and Plantations desire you will let them have as soon as conveniently may be an account of the premiums paid for Naval Stores imported from America for 5 years ending at Christmas last. And an account of pitch and tar imported from America bought for the use of H.M., with the prices paid *etc.* [C.O. 324, 10. p. 186.]

Feb. 15. **382.** Mr. Carkesse to Mr. Popple. *Encloses* papers relating
Custom House, London. to complaints of fraudulent practices in the importation of tar and pitch from the Plantations *etc.* The Commissioners of Customs request the Council of Trade and Plantations to instruct the Governors that all possible care be taken in the preparing and shipping pitch and tar to prevent a discouragement on the commodities, and an abuse to the publick with respect to the bounty *etc.* Signed, Cha. Carkesse. [C.O. 389, 26. p. 252.]

Feb. 15. **383.** Mr. Solicitor General to Mr. Popple. *Reply to Jan. 10th.* I am humbly of opinion that by the clauses in the 7th and 8th pages [of the Charter of the Massachusetts Bay] (the lands in

1718.

question being now owned to be part of what is therein described which was not insisted on before my former report to their Lordships). The inhabitants of the Massachusetts bay have the right to the soyle vested in them and though there is a clause in page the 13th which restraines the Assembly's power of granting to others without the approbacon of the Crown yett that reserved power by the Crown does not give the Crown a power to grant it to any others because the Crown has divested itself of the property by the former clause and the grantees have the inheritance though qualified with that condicon beforemenconed. *Signed*, Wm. Thomson. *Endorsed*, Recd. 17th Feb., Read 23rd April, 1718. $\frac{3}{4}$ p. *Enclosed*,

383. i. Mr. Coram to Mr. Solicitor General, 21st Jan., 1718. Answer on the doubt arising upon the clause in the Charter of the Massachusetts Bay. *Signed*, Tho. Coram. *Endorsed as preceding*. 2 pp.

383. ii. Mr. Dummer's reply to preceding. Middle Temple, 9th Jan., 1717. *Signed*, Jer. Dummer. *Same endorsement*. $3\frac{1}{2}$ pp.

383. iii. Joshua Barkstead to Mr. Solicitor General. Argues that the Propriety of the soil in the lands in question remains in the Crown. *Signed*, J. Barkstead. *Same endorsement*. $\frac{3}{4}$ p. [*C.O.* 5, 866. *Nos.* 144, 144 i.-iii.; and (*without enclosures*) 5, 915. pp. 112, 113.]

Feb. 16.
Bermuda.

384. Lt. Governor Bennett to Mr. Popple. *Encloses duplicate of 3rd inst. Continues* :—Eight more pirates are come in and surrendred themselves, and I daily expect a number of them from Providence in a sloop I sent thither for that purpose, and doe intreat directions concerning their pardons several being impatient to be gone. The vessel a snow called the *Trial* touched here from South Carolina that carrys this bound for Bristol, the master of which (Capt. Willington) assures me that the inhabitants there were very apprehensive that the Cherikees Indians in conjunction with the negros (many haveing already run away from their masters into the woods) wuld invade them, and that an embargo was expected to be laid on all vessels the day he sail'd which was on the 5th inst., etc. *Signed*, Ben. Bennett. *Endorsed*, Recd. 2nd, Read 3rd April, 1718. *Holograph*. 1 p. [*C.O.* 37, 10. *No.* 8.]

Feb. 17.

385. Ambrose Philips to the Council of Trade and Plantations. As Agent for New York, has been repeatedly instructed to urge the confirmation of the Act of general naturalization etc. (v. 2nd Jan.) *Signed*, A. Philips. *Endorsed*, Recd. 18th, Read 19th Feb., 17 $\frac{1}{2}$. $1\frac{1}{2}$ pp. [*C.O.* 5, 1051. *No.* 54; and 5, 1123. pp. 516-518.]

Feb. 17.
Navy Office.

386. Commissioners of H.M. Navy to Mr. Popple. *Enclose following in reply to 14th Feb.* *Signed*, Cha. Sergison, J. Fawler, Tho. Colby, Ja. Acworth, Cha. Wager, Tho. Swanson. *Endorsed*, Recd. 17th, Read 18th Feb., 17 $\frac{1}{2}$. *Addressed*. 1 p. *Enclosed*,

1718.

386. i. Account of præmiums paid for Naval Stores, imported from America, 1713, £5783 19s. 10d. ; 1714, £6860 8s. 10d. ; 1715, £10,135 10s. 9d. ; 1716, £27,410 7s. 9d. ; 1717, £40,354 0s. 3d. Bought for the use of H.M. Navy ; 1715, pitch 715 barrels, tar 665 barls. ; 1716, pitch 75 barls. ; 1717, pitch 1608 barls., tar 3773 barls. *Prices* : 1715, pitch £11 and £9 per ton, tar £12 and £11 per last. ; 1716, pitch, £9 per ton ; 1717, pitch £7 10s. and £6 10s. per ton, tar £11 10s. and £11 per last. *Mem.* Several tenders for Naval Stores imported from America await payment of præmiums, the proprietors not having yet brought the usual certificates from the Customs *etc.* 1 p. [C.O. 323, 7. Nos. 122, 122 i. ; and (*without enclosure*) 324, 10. p. 188.]

Feb. 18.
Whitehall.

387. Mr. Popple to the Commissioners of the Navy. The Council of Trade and Plantations return thanks for *preceding*, and desire the like accounts annually *etc.* [C.O. 324, 10. p. 189.]

Feb. 18.
Whitehall.

388. Mr. Popple to Sir E. Northey. Desires his opinion in point of law upon Act of Antigua, 1716, for *encouraging the importation of white servants, etc.* [C.O. 153, 13. p. 217.]

[Feb. 19.]

389. Sir Robert Mountgomery to the Council of Trade and Plantations. Reasons why the new-intended settlement of Azilia (*v.* 18th June, 1717) may be of great advantage to this Kingdom. (i.) Its situation is such that neither Spaniard nor Indian enemy can invade Carolina, or the Provinces to the northward, without passing this new barrier *etc.* (ii.) The commodities arising from its cultivation will be different from any now produc'd by the English Plantations, which will considerably encrease navigation and augment the Revenue of H.M. Customs. (iii.) As such commodities, olives, wine, raisins, almonds, currants *etc.*, are now brought us from countries entirely foreign, so the advancement of this Colony wou'd produce a considerable alteration to our advantage in the general balance of our trade to the Mediterranean. (iv.) The French are eagerly advancing their interest in America, by encouraging their settlement on the Mississippi (their new named St. Louis) which will open them a free trade, thô a private one, in the Bay of Mexico, with European goods sent from France to Quibeck, and thence in flat botom'd vessells along the rivers, and lakes, behind all our Plantations, down into Mississippi ; And we having no settlement on the Bay, can know little of the matter, and be ill able to hinder it any other way, than by planting a new Colony of our own, just upon them, which wou'd watch their designs, and be a check to their ambition, and encroachments. This can never be done more commodiously than under covert of the Lords Proprietors grant to Sir Robert Mountgomery, which giving liberty to extend the settlement to the utmost southern bounds of Carolina (*viz.*) as far as 29 degrees, the North coast of the Bay of Mexico is all within that limit, and whenever it shall be thought

1718.

fit, a settlement may unexpectedly, and without noise, be made, somewhere on the river of Apalachia, or in any commodious place thereabouts, without sending any ships at first, round the neck of Florida, but crossing by land from the freshes of Allatamaka river, whither vessells may bring any number of people, and from whence, to the place intended, the distance wou'd be very inconsiderable. (v.) The Bahama Islands, being now a place of resort for the pirates : and some late measures having been taken, to remove them by force, and plant an English Colony of honest, and industrious persons in their room, the neighbourhood of the Bahama's, and Azilia, wou'd make them mutually serviceable towards strengthening, releiving, and supporting one another. *Prays for a speedy and favourable report from the Board etc. Endorsed, Recd. 19th, Read 20th Feb., 1717 $\frac{7}{8}$. Addressed. 1 large p. [C.O. 5, 1265. No. 91.]*

Feb. 20. **390.** Council of Trade and Plantations to the Lords of H.M. Whitehall. Privy Council. We have had under consideration your Lordships' Order of the 9th instant *etc.* Having consulted H.M. Attorney General, we are of opinion that an Instruction will not be sufficient to empower the Governors to pardon any of the pirates that may come in upon the Proclamation, but that there must be Commissions under the Great Seal for the sevl. Governors for that purpose *etc.* [C.O. 324, 10. p. 190.]

Feb. 20. **391.** William Wood to the Council of Trade and Plantations. The Law [*of Jamaica, for the effectual discovery of persons that are disaffected etc.*] wch. I troubled your Lordships upon yesterday I conceive you will be of opinion ought to be rejected, especially when your Lordships are acquainted, that by gentlemen not qualifying themselves as the Act directs, and not acting to avoid the penalty therein, Sessions were not able to be held, and the Militia appear'd in the field without the greatest part of their officers in several parishes or districts of the Islands, and that to prevent so great an inconvenience new Justices and new officers were made a remedy ; a case of very ill consequence considering the very few inhabitants in it, besides those who have been or are in commission ; no doubt, my Lords, many refuse to qualifie themselves not out of regard only to it's being a prostitution of the Sacrament for a civil end, but also to free themselves from chargeable posts, and getting clear of doing troublesome dutys. There is not one dissenting meeting house in the country, tho' numbers of dissenters by education and principle ; now if any of these will not take the Sacrament according to the usage of the Church of England, they are excluded from acting either as Justices, Military Officers, Barristers, Attorneys *etc.*, which in effect makes the Law a sort of Schism Bill to the Island, *etc.* *Signed, Wm. Wood. Endorsed, Recd., Read Feb. 20th, 1717 $\frac{7}{8}$. 2 pp. [C.O. 137, 12. No. 116.]*

Feb. 21. **392.** Earl of Sunderland to the Council of Trade and Whitehall. Plantations. Encloses following for their report thereon. *Signed,*

1718.

Sunderland. *Endorsed*, Reed. 24th Feb., Read 3rd March, 171⁷/₁₈. 1 p. *Enclosed*,

392. i. Memorial of Col. Richard Phillips, Governor of Placentia and Annapolis Royal, to the King. (i.) He is only Governor of Placentia, whereas there are several other settlements in Newfoundland, where, by the Act passed before there was any Governor established, the master of the first vessel that arrives for the fishing is empowered to determine disputes *etc.* This power does not accord with the position of a Governor now that the whole Island is surrendered to H.M. (ii.) The garrison of Placentia, according to Capt. Willis, is in a very bad state. (iii.) All the inhabitants of Nova Scotia, except the garrison of Annapolis Royal, are French to the number of 6 or 7000, who have never taken the oath of allegiance, and when the Lt. Governor summoned them to do so finally, replied that they could not do so till they saw H.M. in a position to protect them against the natives, who are very numerous and entirely devoted to France, and they ask therefore not to be obliged to take up arms, in case of a rupture, against the subjects of France or the Indians (*cf.* No. ii.) (iv.) The French secured the natives to their interest by yearly presents, and were rewarded by a monopoly of their fur-trade. The same means, it is believed, would gain them to ours *etc.* (v.) The boundaries between the French and H.M. subjects in Nova Scotia not being determined, the former are still in possession of such parts as they find most suitable for curing their fish, and continuing their trade with the Indians, to the prejudice of that of H.M. subjects, and contrary to the Articles of Surrender. (vi.) Nova Scotia is a very rich and fertile country, and the fishery surpasses that of Newfoundland, being to the southward, and therefore two or three months earlier. It only requires inhabitants to make it a very advantageous Colony to Great Britain, and it is therefore proposed that all encouragement should be given towards peopling it, and the Governor given power and instructions to that effect. (vii.) The Fort of Annapolis is in a bad state (*v. enclosure.*) (viii.) A frigate under his orders is absolutely necessary for the Governor of these two countries. (ix.) In case of H.M. granting lands in these parts, the fishery and the Capes and the right of curing fish wherever found most suitable, should be reserved for the common use of H.M. subjects. *French.* 2¹/₂ pp.

392. ii. Lt. Governor Doucett to [? Governor Phillips]. Annapolis Royal, Nov. 5, 1717. I arrived here 23 Oct. *etc.*, concern'd to find a fort almost demolisht, and the men within continually in mutiny for their pay. I told them H.M. had been acquainted with their complaints, and that in the spring they would be redrest. However

1718.

the commanding officer of each company keeps the men's arm's, and deliver's them out as they mount guard *etc.* As to their cloaths, they are indifferently well *etc.* As to arm's they must have an intire new sett, these not being fitt for service, I don't find one bayonett or sword in the Garrison *etc.*; also a chyrurgeon's chest, severall of the men rotting with a certain distemper that requires phisick. I am desired by all the Gentlemen of the garrison to congratulate yr. Excellency, and to recommend to your care our Chaplain Mr. Harrison, and two cadett's that have served here some time, vizt. Mr. Hugh Campbell and Mr. John Broadstreet. I here send you a paper inclos'd, that I summons'd the French inhabitants to signe, *etc.*, (*v. preceding*), with a copy of their answer, having sent two originals, one to the Secretary of State, and one to the Secretary of War. I also send you a copy of a Placart, I have put up, concerning all vessell's that sail from hence, which I hope you will approve on, for before they took no more notice of a Governor here; then a person that was under the direction of a Collector, here is also a return of the Garrison *etc.* Signed, John Doucett. 2 pp. [C.O. 217, 2. Nos. 37, 37 i.; and (*without enclosures*) 218, i. p. 339.]

Feb. 21.
Whitehall.

393. The Earl of Sunderland to the Council of Trade and Plantations. *Encloses following.* You are to lay the same before the House *etc.* Signed, Sunderland. Endorsed, Reed. Read 21st Feb., 17 $\frac{1}{2}$. 1 p. Enclosed,

393. i. Address of the House of Commons to the King, praying that all papers from the Plantations, with the orders given thereupon, relating to the pirates in the West Indies since the last peace may be laid before the House. 20th Feb., 1717(18). Copy. $\frac{1}{2}$ p. [C.O. 323, 7. Nos. 123, 123 i.; and (*covering letter only*) 324, 10. p. 191.]

Feb. 21.

394. Mr. Burchett to Mr. Popple. H.M.S. the *Dragon*, Capt. Thomas Scott, and the *Rye*, Capt. Thomas Whorwood are design'd convoy to Newfoundland, Capt. Scott being the Comadore *etc.* Asks for heads of enquiry *etc.* as usual. My Lords Commrs. of the Admiralty having, at the requests of the merchants, planters *etc.* of Biddeford *etc.* order'd the *Rye* to proceed before the *Dragon*, so as to be at the harbour of Trepassy by the middle of April next at farthest, that so she may protect there trade there, and at the ports thereabouts, until the *Dragon* arrives, asks for any particuar Instructions for Capt. Whorwood *etc.* Signed, J. Burchett. Endorsed, Reed. 22nd, Read 24th Feb., 17 $\frac{1}{2}$. Addressed. 1 p. [C.O. 194, 6. No. 38; and 195, 6. pp. 369, 370.]

Feb. 21.
Whitehall.

395. Council of Trade and Plantations to Lt. Governor Spotswood. Enclose Order in Council, Feb. 13th, repealing two

1718.

Acts, to be publish'd and enter'd in the Council Books as usual. [C.O. 5, 1365. p. 51.]

- Feb. 23. **396.** M. le Marquis de Wignacourt to Mr. Docminique, one of the Commissioners for Trade and Plantations. In the absence of Capt. Coram in France, urges the demand for a settlement of disbanded soldiers (*cf.* 20th Dec., 1717), and concludes as following. *Signed*, Le Marquis de Wignacourt Franconville. *Endorsed*, Recd. Read 24th Feb., 17 $\frac{1}{8}$. *French*. 4 pp. [C.O. 5, 866. No. 136.]
- Feb. 21. **397.** Marquis de Wignacourt and others to the Council of Trade and Plantations. Petitioners allege the land desired for settlement between Maine and Nova Scotia, was lost to the French, and that the Crown by conquest has reinvested itselfe of a just right and title to it. *Propose* that the Board shall examine the conquest and instruct General Nicholson to lay before them the extent of the French and English conquests as they appear'd to him in 1710. *Signed*, Le Marquis de Wignacourt franconville Dujary, Daniel Pelisson, William Birkhead. *Endorsed*, Recd. 21st, Read 24th Feb., 17 $\frac{1}{8}$. 1 p. [C.O. 5, 866. No. 138 ; and 5, 915. pp. 87, 88.]
- Feb. 24. **398.** Mr. Byrd to the Council of Trade and Plantations. Haveing been convinc't by the Attorney Genl's opinion (*v.* Dec. 24, 1717), that H.M. Governour of Virginia hath power by the Royal Instruction to appoint Courts of Oyer and Terminer *etc.*, *refers* to his petition and the Order in Council, (2nd Feb.), and *prays* for an early and favorable report thereupon *etc.* *Signed*, W. Byrd. *Endorsed*, Recd. 24th, Read 27th Feb., 17 $\frac{1}{8}$. 1 p. [C.O. 5, 1365. No. 45.]
- Feb. 24. **399.** Address of the Representatives and Inhabitants of South Carolina to the King. *A repetition of Address printed*, C.S.P. 1716, Nov. 30th. *Signed*, Geo. Logan, Speaker ; David Durham, Tho. Summers, Thomas Lynch, Richd. Harris, John Godfry, Arthur Hall, John Woodward, John Russ, Ra. Izard, William Gibbon, Wa. Izard, John Williams, Thomas Satur, Hugh Hext, Richard Butler, Thos. Townsend, Benja. de la Conseillere, Charles Hill, Jonth. Drake, Thomas Waring, Jno. Beamor, Roger Moore, Ja. Cochran, Members of the House of Commons ; and likewise by the rest of the inhabitants, (526 *signatures*). *Copy*, certified by Johannes Croft, Notar Pubcus. *Endorsed*, To be sent to the Proprietors of Carolina. *One large p. Torn.* [C.O. 5, 382. No. 19.]
- Feb. 24. **400.** List of papers, copied for the House of Commons, Whitehall, relating to pirates. (*v.* Feb. 21st). [C.O. 324, 10. pp. 250-260.]
- Feb. 25. **401.** Mr. Popple to Mr. Attorney General. The Council of Whitehall, Trade and Plantations desire you to give them a draught of such alterations in the Act of New York for a general naturalization as you may think proper to be recommended to Brigr. Hunter

1718.

to be passed into a new law. (*v.* 2nd Jan.) [*C.O.* 5, 1123. *pp.* 518, 519.]

Feb. 25.
Whitehall.

402. Council of Trade and Plantations to Governor Hunter. *Abstract.* Acknowledge letters. Are satisfied with what he writes relating to Mr. Lodwick's memorial. The bills which he says he drew for the building of forts by her late Majesty's order are still outstanding, because the orders for drawing them have not been communicated to the Treasury. Ask for authentick copies of said orders and accounts of what has been done. The observance of the Proclamation and Act for settling the rates of foreign coins in the Plantations is of such consequence to the general welfare, that it must not be neglected. They therefore desire to be informed which are the neighbouring Governments to which he refers as not observing them, and by what methods they evade them. They have some objections (*v.* encl. i.) to the Revenue Act, particularly that it affects the trade and navigation of this Kingdom, but would not propose its repeal, because he says that would ruin the trade of the Province; he must therefore move the Assembly to pass a new act not liable to the said objections. Otherwise they will be obliged to lay this act before H.M. for disallowance, for no acts are to be passed in the Plantations whereby the shipping and navigation of this Kingdom are affected, according to the Additional Instruction of 27th Sept. last. They have the like objections, also enclosed, to the Act to oblige all vessels trading to their Colony to pay duty etc., and for the same reasons desire him to get a new act passed, not liable thereto. Enclose Attorney General's objections to act for shortening lawsuits, showing the necessity of getting another act passed etc. Remind him of his Instructions, and that he be very particular in his remarks and explanations of acts transmitted to them. Will consider what he writes of the failure in making tar etc., and in the mean time desire an account of what number of Palatines remain and where, how they are employed and in what manner they might be made more useful to that Province and this Kingdom. He will receive all the assistance he can give on account of his disbursements for those people, but it has not been possible to do anything in that matter this session of Parliament. They cannot find in his Commission that the whale-fishery is reserved to him, as he intimates in his letter of 22nd Nov. Request him to explain and to send a full answer to Mulford's petition, together with a return of the whale-fishery and dues paid thereon. They hope he gives all due encouragement to that trade. Quote from their report 13th Feb. Commissions are preparing to enable him to try pirates at New York. Will recommend Mr. Harrison for the Council on the first vacancy. Ask for accounts of imports from Madeira and the Western Islands, and for information of French activity on the Mississippi, and for report on the best method of preventing the evil effects of their securing and communicating with their settlements in Canada, etc., as No. 334. Set out, N.Y. Col. Docs. v. 500. *Annexed*,

1718.

402. i. Some queries as to the duties imposed by the Acts of New York *for the support of the Government*, 1715, and *laying a duty upon trading vessels*, 1716. [C.O. 5, 1123. pp. 519-529; and (corrected draft) 5, 1079. No. 98.]

Feb. 25. **403.** H.M. Warrant for a Commission to Governor Sir N. St. James's. Lawes, the Council of Jamaica, the Chief Justice, the Judge of the Vice-Admiralty, the Captains and Commanders of H.M. ships of war within the Admiralty jurisdiction of Jamaica, the Receiver-General and Secretary of Jamaica, H.M. Surveyors-General of the Customs in America, Collectors of Customs in Jamaica, to be Commissioners for trying pirates at Jamaica according to the Act, 11th K. William III. *for the more effectual suppression of piracy etc.*, with the same powers and directions as were contained in the Commission granted by King William in the 12th year of his reign to Sir Wm. Beeston *etc.* *Countersigned*, J. Addison. [C.O. 324, 33. pp. 132-134.]

Feb. 25. **404.** H.M. Warrant for *similar* Commission for trying pirates St. James's. at the Bermuda Islands to Lt.-Governor Bennet, the Council, Chief Justice, Judge of the Vice-Admiralty, Captains and Commanders of H.M. ships, Secretary and Receiver-General of Bermuda, Surveyors-General of Customs and Collectors in Bermuda *etc. as preceding.* *Countersigned*, J. Addison. [C.O. 324, 33. pp. 135-137.]

Feb. 25. **405.** H.M. Warrants for similar Commissions to the Governor St. James's. *etc.* for trying pirates at the Bahama Islands, the Leeward Islands, Barbados and the Windward Islands, Virginia, Carolina and Maryland, New York, New Jersey, Pennsylvania and Connecticut, Massachusetts Bay, New Hampshire and Rhode Island, Newfoundland and Nova Scotia. *All countersigned as preceding.* [C.O. 324, 33. pp. 137-159.]

Feb. 27. **406.** Lt.-Governor Spotswood to the Council of Trade and Virginia. Plantations. *Acknowledges* letters received on return from New York *etc.* *Continues* :—Before I enter upon answering the particulars in those letters, I beg leave to give yor. Lordps. a brief account of my negotiations to the northward. As that progress was intended to concert with the neighbouring Governours, proper measures for guarding these Governments against the incursions of the Five Nations, I found both the Governour of Maryland and Pensilvania entirely of the same opinion with me that there could not be a more proper season to bring those Indians to reasonable terms than now, while the Peace subsisted between H.M. and the Crown of France, and consequently that we were not under the necessity of courting their friendship; they also agreed that it was necessary to demand something more substantial than the bare promises of the chief men of those Indians, which they are always very liberal of, in expectation of presents from the English, while at the same time their young

1718.

men are committing their usual depredations upon the frontiers of these Southern Governments. In order therefore to obtain this security we thought it necessary to offer certain preliminaries, without which we judged any further Treatys with those Indians would be in vain ; but as Brigadier Hunter could not be spared from his New York Assembly (which was then sitting) and the ill state of health, in which Collo. Hart left his family obliged him to return home ; the transacting of this part fell to my share, and I thought I could not imploy my time more agreeable to H.M. service than by a personal interview wth. Brigadier Hunter to know his sentiments. I arrived at New York very opportunely to prevent the march of a great body of those Indians, which I had advice on the road, was intended chiefly agst. the Tributarys of this Country, and the Governor of New York's Messengers overtook them upon their march and obtained their promise to abstain from any hostilitys on the English Governmts. As to the principal occasion of my journey, the Assembly of New York being in the height of their business, and like to make a longer session than ordinary, and withall the season of the year being so far advanced, as not to admitt of an interview with the Sachems of the Five Nations during my stay there ; all that could be done was to leave the preliminaries to be communicated to them by the Governour of New York who has engaged to obtain their answer sometime this Spring ; upon the return whereof I shall be able more fully to communicate to your Lordps. what is the sense of these Southern Governments with relation to the five Nations, and what measures are necessary to be taken for securing H.M. subjects here against the dangers which threaten them from that quarter. In obedience to H.M. commands *etc.* I have issued a proclamation forbidding all trade and commerce contrary to the said Treaty of Neutrality *etc.* ; Soon after, having reciev'd advice that a Bermuda sloop had imported here a considerable quantity of French sugar, I caused her to be siezed, and brought to a trial before the Court of Admiralty ; upon the trial the Master alledged he purchased the sugar of a Frenchman at one of the Salt Islands, not belonging to the French King ; but tho the Judge of this Court thought fitt to discharge the siezure, in regard the Master was ignorant of the Treaty of Neutrality when the sugar was taken on board and imported here, yet he declared he would for the future condemn every vessell importing any the produce of the French settlemts. This declaration, I hope, will have it's effect, to deterr people from that illegal trade, tho' it must be own'd that were the power of Judicature in maritime affairs in the hands of any other person, it would be difficult to obtain such a sentence, it being the common opinion here that the Treatys of Sovereigns do not bind the subjects unless confirm'd by Act of Parliament, and consequently that no man ought to forfeit his vessell or goods for what is not made a crime by any law : 'Tis in vain to argue that the prerogative of the Crown in making Treatys and Alliances being part of the Common Law of the land, there must naturally be the same power in the Crown to punish the

1718.

infringers of such Treatys : such reasoning will not prevail here. It might therefore be of service to H.M. and usefull to the quiett of this Country, in undeceiving the ignorant and convincing the obstinate if when such new cases as this of confiscating ship and goods for the breach of a Treaty, which does not appear at first sight to be an offence against any Statute Law, your Lordshps. would be pleased to send together with H.M. directions the opinion of some eminent lawyers on the point, it being certain that tho' a Governor is sincerely convinced that all the orders he recieves from the Crown are founded on reason and justice, yet he acts under a very great disadvantage, if he is not able to answer all the impertinent queries that are put to him on such an occasion. Immediately upon the receipt of H.M. Order in Council I issued a proclamation for repealing both the Indian and Tobacco laws ; but as the Countrey are almost generally sensible of the loss of the tobacco law, so the Government found itself no less embarrass'd by the repeal of the Indian Law : the forreign Indians had been brought to so good a correspondence with this government by the commerce established between them and the late Company, that it was judged dangerous to discontinue that trade, because of the jealousys it might naturally create in the minds of that suspicious people ; and the fort of Christanna has been found so usefull to the security both of the Tributarys settled there, and of the English settlements on that frontier, that the slighting thereof would have proved of ill consequence besides that the Indian hostages being kept there at the expence of the late Company, it would have been dangerous either to have sent them back or to have removed them to any other place, where their parents could not so easily resort to see them. Upon these considerations, the Council unanimously agreed to desire the late Compa. to continue their commerce, and to keep up the fort and garrison till the meeting of an Assembly, which accordingly is appointed to be held the 23rd of Aprill. What measures they will take therein or in compliance with H.M. commands for reimbursing the reasonable expence of that Company on the publick service, or regulating the Indian Trade, must be left to time. As I have constantly treated the Gentlemen of the Council with that freedom and openness which becomes one that has no other view than promoting H.M. service, nor no other aim in representing to your Lordshps. their behaviour than to remove unreasonable scruples, I communicated to that Board your Lordshps. opinion upon the distinctions they make of themselves as Councillors and as the upper House of Assembly, and upon their refusing their advice as Councillors in matters of law, under pretence of their being Judges of the Generall Court, it was some surprize to me to find some of those gentlemen deny the facts, untill the particular instances were quoted and acknowledged by others ; but altho' they had then nothing to object against what I had represented to yor. Lordshps. on both those heads ; yet the common practice of sending partial representations to your Lordshps. whenever they find it necessary to justify themselves by concealing the truth, gives me ground to suspect

1718.

that the same persons who have introduced this distinction will not rest satisfied in yor. Lordps. determination, nor in the conviction of the truth of what I have charged them with, but will still endeavour by false glosses to colour over a practice as unjust in itself as 'tis prejudicial to the King's service : And therefore if they or their Agent Mr. Byrd should deny at yor. Lordps. Board their making any such distinctions as I have mentioned, I begg yor. Lordps. will be pleased to have recourse to the Council Journal the 20th June, 1706, upon their advising Coll. Nott to the passing the Body of Laws prepared by that Assembly, and to the Journal of the Council the 24th Dec., 1714, on occasion of continuing the Act for the defence of the Countrey in times of danger, as a proof of the first of those distinctions ; And to the Council Journal of the 25th of Oct., 1715, upon a question put to them whether there was any law of this countrey directing Justices of the Peace to levy the allowance for the Burgesses, as a proof of the second distinction. There are other instances since to the same purpose, tho' not inserted in the Journals, because I would avoid new contests, it being strenuously insisted on that the Council were not bound to enter any reason for their opinion, in the Journals, *etc.* *Refers to* enclosed accounts. *Will send* account of auditing and return the old seal by the next opportunity. *Will lay* H.M. Instruction concerning the passing of laws before the next Assembly, *etc.* *Signed*, A. Spotswood. *Endorsed*, Recd. 15th, Read 20th May, 1718. 6½ pp. *Enclosed*, 406. i. Account of H.M. Revenue of 2s. per hhd. in Virginia, 25th April–25th Oct., 1717. *Receipts*, £3,287 1s. 1¼d. *Expenditure*, £3,862 17s. 1¼d. *Signed*, J. Roscow, Recr. Genl., John Grymes, Depty. Auditor, A. Spotswood. *Endorsed as preceding*. 1½ pp. [C.O. 5, 1318. Nos. 46, 46 i. ; and (without enclosure) 5, 1365. pp. 58–61.]

Feb. 28.
Whitehall.

407. Mr. Popple to Mr. Carkesse. *Encloses* Copy of Mr. Cumings' letter, 28th Jan., to be laid before the Cmmrs. of H.M. Customs. The Council of Trade and Plantations desire their opinion of the expediency of what Mr. Cumings proposes therein, as soon as may be convenient. [C.O. 5, 915. p. 89.]

March 3.
Whitehall.

408. *Same* to Governor Hamilton. H.M. has been pleased to approve the Acts of St. Christophers *to prevent the danger that may happen by fire and to empower the Surveyor etc.*, and an Act of Antegoa *for constituting a Court of Chancery etc.* (v. 30th Jan.) H.M. has thought fit to repeal an Act of Antegoa *for establishing a Court of King's Bench etc.* for the reasons contained in the Attorney-Genls. report (a copy whereof is here inclosed for your information) and that you may endeavour to get another Act passed if necessary, not liable to those objections. You will receive from the Agents of each Isld. the orders for the confirmation of the Acts abovementioned. But I doubt they will not pay the fees for the order of repeal ; and therefore I send you inclosed a copy of the same attested by the Clerk of the Council.

1718.

There is another Act passed at St. Christophers, 1712, *for selling estates etc.* upon which H.M. Attorney Genl. had given his opinion (v. C.S.P. 14th July, 1713) that it is not fit to be confirmed for several reasons. But as their Lordps. believe there may have been several transactions in pursuance of that Act, so that the repealing of it immediately might occasion several difficulties and disputes among the inhabitants of that Island, their Lordps. chuse rather to let it lie dormant till the Assembly have had an opportunity of passing a new Act not liable to the objections contained in the Attorney Genls. report here inclosed. They desire therefore this matter may be laid before the first Assembly at St. Christophers that they may consider the same and pass a new Act, otherways this will be repealed. Whereas it is necessary for their Lordps. in considering the general state of the Trade of this Kingdome to have accounts of the Trades of each particular country; and as they have accounts of what goods are sent from hence to the Maderas and Western Islands, so it is necessary their Lordps. should be informed of what returns are made from thence. But as the main of the exports from those Islands are to the Plantations in America, their Lordps. can get here no account of them, and tho' the naval Officers do sometimes give acctts. of the entries of ships inwards yet it is in such a confused manner (sometimes expressing the quantities of goods in some ships and oftner omitting it) that it is impracticable to make a true state of that Trade. I am to desire you therefore to give immediate directions to the proper Officer to make out an account of the imports from the Maderas and Western Islands for 3 years last past and to send the same by the first opportunity. And for the future the Board desire you to take care to give them annual acctts. of the said imports. I am further to desire of you a particular account of all grants of escheated estates made by you since your Governmt. whither they be temporary or perpetual specifying the no. of acres granted, what quit-rent, if any is reserved upon them with the name of the grantee and the reasons inducing you to make such grant. Their Lordps. lately writ to you themselves for a particular account of the grants made in the French part of St. Christophers. I am again to remind you of what their Lordships writ you the 4th Oct. last and what I repeated the 24th of the same month about transmitting the accounts of the Revenue and of the annual expences of the Islands under your Government, which you are required by your Instructions to transmit, and which their Lordps. do insist on having as soon as possible. I am likewise to remind you of what I writ you 24th Oct., relating to a Collection of the Laws of each Island, which is the more necessary at present, because their Lordps. intend to have all the Laws of each Government that are in force, printed. Their Lordps. being informed that the settlement at Crabb Island increases more and more, have ordered me to repeat to you the directions sent you 20th Jan., 17 $\frac{1}{8}$, to discourage that settlemt. as much as possible you can; but you are to do this in such a manner as not to oblige those people to retire to St. Thomas or any foreign Plantation and their Lordps.

1718.

expect from you a more particular account of the condition of the settlement at Crabb Island and of the methods you may think necessary to be taken for the suppressing it, in case these used by yourself should not prove effectual. [*C.O.* 153, 13. pp. 233-237.]

March 3.
Whitehall.

409. Council of Trade and Plantations to the Earl of Sunderland. We beg leave to inform your Lordship, that it would be of great convenience to the King's service, that some one of H.M. Counsel learn'd in Law should be directed by particular appointment to attend the Law business relating to Trade and Plantations. For altho' we are already empower'd by our Commission to send for the Attorney or Solicitor General or any other of H.M. Counsel learned in the Law, and to consult them as occasion shall require, it has hitherto been ye custom to consult the Attorney and Solicitor only, and tho' we do not find any instance where either of them have neglected to give their attendance at this board, when thereunto required, notwithstanding the great weight of other business that must naturally lye upon them in the discharge of their duty to the King and to their clients, yet we cannot help thinking that our predecessors in regard to the value of these Gentlemen's time, have been very tender of troubling them except in matters of great importance, and indeed considering how many laws we do annually receive from the severall Plantations, and how many doubts do daily arise in points of law contained in the severall Memorials and Petitions referred to us, were we to require the attendance either of H.M. Attorney or Solicitor General, so often as occasion would seem to require it, we should leave them but very little leizure to bestow upon any other kind of business. We cannot therefore but believe, that ye proposall we now take the liberty to make your Lordship, would be equally for H.M. service, and for the ease of the Attorney and Sollicitor Genll. to whom, after the appointment of some particular Counsel to attend our Board, we should have no occasion to apply ourselves but in cases of great importance. But there is still further reason for the proposall at this time and that is, that we are now going to collect, revise and dispose into proper order and methods the laws of the severall Plantations that they may be printed, which will be a work of great advantage to the publick, but will demand a good deal of applican. and require almost the constant attendance, of some one of H.M. Counsel learned in the Law. [*C.O.* 389, 37. pp. 145-147.]

March 3.
Whitehall.

410. *Same to the King.* *Representation* upon William Byrd's petition, Feb. 2. *Refer* to correspondence on the question, the Attorney-General's opinion (Dec. 24, 1717), and their letter Jan. 29. *Continue* :—We are not yet inform'd whether the Council will not acquiesce in the aforesaid opinion of the Attorney General. We find that Mr. Byrd in his petition to your Majesty does not question the power itself which is lodg'd in the Governor by his Commission from your Majesty, as he had done in his memorial to us, but only desires it may be restrain'd. Upon

1718.

which we must observe, that no complaint has been offer'd of any abuse that has been made of the said power ; that the Govr. has always on such occasions chosen the majority of Judges out of the Council adding others to them, tho' the petitioner seems to insinuate as if the Counciler Judges of the General Court were entirely excluded. We beg leave farther to observe that this application does not come from, and in behalf of the people of the Colony, who might be most aggriev'd by any such power as Mr. Byrd wou'd represent this to be ; But from those persons who wou'd engross the privilege of being sole Judges in all criminal causes, so that it seems rather a claim of power for themselves to the prejudice of your Majesty's prerogative. As there may be great inconveniences in confining the power entirely to the Council, and as the Governor will be answerable for any abuse he might make of such a power. We humbly offer that it may remain as it is at present by your Majts. Commissn. [C.O. 5, 1365. pp. 52-57.]

March 3. **411.** Address of the Lt.-Governor, Council and Assembly
St. John's. of Antigua to the King. It is with great concern that we have seen a paragraph inserted in severall printed newspapers that H. E. Walter Hamilton our present Generall is superseded and it is with much greater astonishment that we are informed, it is industriously reported to be for disaffection to your Majesties Government *etc.* He has upon all occasions given undeniable proofs of his zeal and loyalty *etc.* Signed, Edw. Byam, Jno. Hamilton, Edward Warner, Natha. Crump, Jno. Frye, Archd. Cochran, John Gamble, Ashton Warner, Speaker, Geo. Thomas, John Lightfoot, Tho. Pigott, John King, Wm. Lavington, Jacob Morgon, Joshua Jones, (?) Bap. Looby, Giles Watkins, Richd. Cochran, Humphry Osborn, James Nisbitte, Isaac Horseford, Tho. Freeman, Jno. Gunthorpe, James Weatherill. Endorsed, In ye Lieut.-Governor's letter of March 3rd, 17¹⁸. 1 large p. [C.O. 152, 42. No. 111.]

March 3. **412.** Same to the Council of Trade and Plantations. Urge
Antigua. that Governor Hamilton may be continued in his government *etc. as preceding* and 12th March *q.v.* Signed *as preceding.* Endorsed, Recd. 12th, Read 18th June, 1718. 2 pp. [C.O. 152, 12. Nos. 88 ; and (duplicate) 89 ; and 153, 13. pp. 310-311.]

March 4. **413.** Merchants, Traders, Planters and Inhabitants of
Antigua. Antigua to the Council of Trade and Plantations. During the two years of his administration Governor Hamilton has demonstrated the utmost regard for the honour of H.M., the ease of his people, the security of the colonys, and the prosperity of trade, in which latter he has in a most particular manner distinguished himself by encouraging and making easy in all respects the honest and fair Adventurer, and discountenancing all others *etc. as 12th March.* Signed, *Merchants and Traders*:—Edwd. Chester junr., Marmaduke Bacheler, Bartho. Sanderson, Wm. Dunbar, Christopher Scandrett, Jacob Thibou, P. Stoodlie,

1718.

Jos. Adams, John Burke, Fran. Delap (?), John Boudinot, Rich. Denbow, Michael Arnald, Wm. Harrox, Wm. Hamilton, Tho. Turner, Jno. Otto Bayer, Bayer Otto Bayer, Hen. Osborn, John Tomlinson, Cæsar Rodeney, Hopefor Bendall, Cha. Hedges. *Planters and Inhabitants*:—Sa. Watkins, Geo. Lucas, John Eliot, James Gamble, Samll. Parry, John Haddon, Th. Oesterman, Geo. Forest, W. Hill, Edwd. Chester, Richard Oliver, John Bradeson, Jonas Langford, Dan. Mackinen, Edward Morgon, Jno. Booth, John Butler, John Langelier, Saml. Proctor, John Hoskins, Pat. West, Philip Darby, John Gamble junr. *Endorsed*, Recd. 12th, Read 18th June, 1718. $2\frac{1}{2}$ pp. [C.O. 152, 12. Nos. 90; and (duplicate, with a few additional signatures) 91; and 153, 13. pp. 311–313.]

March 3.
Whitehall.

414. Mr. Popple to Mr. Burchett. *Encloses following.* *Continues*:—The Council of Trade and Plantations have received a very particular and distinct account of the illegal proceedings of the New England men from Capt. Passenger, and are very well pleased with his endeavours to prevent it; and therefore they have added the last clause in these Instructions, and desire that the Lords of the Admiralty will please to inforce it, as far as it is practicable. *Requests* that Capt. Passenger may be put in mind of his account of the Fishery for last year, not yet received. *Annexed*,

414. i. Heads of Enquiry for the Commodore of the Newfoundland Convoy. As usual. Cf. C.S.P. 1705, No. 1032. i.

414. ii. Additional Instructions for *Same*. As May 9th, 1717, with addition of No. 17:—You will observe by the 5th and 6th Articles of these Additional Instructions the irregularities committed by the New England men, particularly their inticeing away great numbers of seamen, fishermen and others, especially after the departure of the convoys, which will more plainly appear by Commodore Passengers letters annexed. And therefore you are to endeavor as much as possible to oblige all the New England ships to sail at the same time, that you shall leave the land, and otherwise to restrain them as much as possible you can from the irregularities complained of by Capt. Passenger. [C.O. 195, 6. pp. 375–391.]

March 4.
Whitehall.

415. Mr. Popple to Governor Sir N. Lawes. *Encloses* copy of Mr. Wood's letter of 20th Feb. The Council of Trade and Plantations desire that upon your arrival at Jamaica you'll make particular enquiry into this matter and let their Lordships have your thoughts thereupon as soon as may be. [C.O. 138, 16. p. 95.]

March 5.
Whitehall.

416. Circular letter from the Council of Trade and Plantations to the Governors on the Continent of America. The Commissioners of H.M. Customs have transmitted to us some complaints

1718.

made to them of the badness of pitch and tar from the Plantations particularly that the tar is full of water and the pitch mixt with sand, durt and other matter to make it weighty, and upon enquiry, we find that there are several quantities of those commodities, wch. have been found not merchantable, and certificates for them have been refusd ; we thought it necessary to send you this notice, that you may give the proper directions to all persons concernd in pitch and tar in your government, that they take care for the future, in manufacturing these commodities, and that you may, if necessary, endeavour to get an act pass'd for that purpose. This abuse in the manufacture will bring a disrepute upon American pitch and tar, and no præmiums will be allowd for such as do not come over well conditiond and merchantable. [C.O. 324, 10. pp. 195, 196.]

March 6. **417.** Lord Guilford to the Council of Trade and Plantations. Encloses following. *Signed*, Guilford. *Endorsed*, Recd. 7th, Read 10th March, 17 $\frac{1}{8}$. 1 p. *Enclosed*,

417. i. Governor Hart to Lord Guilford. Maryland, 26th Oct., 1717. *Acknowledges* letter enclosing that of the Board of Trade 10th July, 1717, relating to illegal trade. *Continues* :—I immediately laid it before the Council, and demanded if they knew or had heard of any trade carryed on by the inhabitants of this Province, with the French settlements in America. The Councill were unanimous in saying, there was no such trade they knew of carryed on from Maryland, and I can assure yr. Lordship, I never heard of any *etc.* However I made a further enquiry from the Collectors, Navall Officers, and other Officers of the Customs *etc.*, who answered that they neither knew, nor had hitherto suspected any such trade. The Councill agreed with my proposal *for the issue of the enclosed Proclamation etc.* *Signed*, Jo. Hart. 2 pp.

417. ii. Proclamation by the Governor of Maryland forbidding illegal trade between Maryland and the French Settlements in America in accordance with the Treaty of Peace and Neutrality *etc.* Annapolis, 13th Sept., 1717. *Copy*. 2 pp. [C.O. 5, 717. Nos. 73, 73 i., ii.]

March 6. **418.** Mr. Popple to Mr. Cumming[s]. The Council of Trade and Plantations have considered what you write, 17th Sept., 1717, in relation to the wooll of New England, but at present have nothing to add to Mr. Attorney Genls. opinion thereupon, which you have already received ; However upon this occasion there Lordps. think it will be of use to have answers to the following questions according to the best information you are able to get (i.) What quantity of wooll there may be annually produced in N. England (ii.) What quantity of it is exported, unwrought and to what place, (iii.) What quantity of it is made into manufactures in New England, what sorts of manufactures they are, and were consumed. They further desire that you

Whitehall.

1718.

would send them a sample of the wooll, and also of the different species of manufactures that are made up in that country, with the prices at which they are sold, I mean both the wool and the several manufactures. They likewise desire you would let them have your thoughts whether it would be worth while that the wooll of New England should be brought to this Kingdom, and in that case what incouragement would be either proper or necessary to promote the doing of it. Their Lordps. are well pleased with the account you have sent them of foreign goods imported into New England for three years and a half, but they wish you had specified the particular places from whence those species came, and therefore they desire you will do it for the future. [C.O. 5, 915. pp. 97, 98.]

March 6. **419.** Council of Trade and Plantations to Governor Shute.
Whitehall. *Acknowledge* letters of 23rd July and 9th Nov. *Continue* :— You refer us in your last letter to Mr. Blaithwayt's Office, for an account of the Revenues in your Governments, which we had writ to you for (4th Aug.) ; We desire you will take notice that by H.M. Instructions, you are required to send constant and regular accounts of the Revenue in your Governments to us, as well as to the Auditor, and we shall expect them from you for the future. We take notice that eight pirates have been tryed, upon which we desire to know by virtue of what power those tryals have been ; also you will do well to send us copies of the tryals as has been usually done. *Repeat* Instructions relating to manufacture of pitch and tar (No. 416), and for returns of imports from the Maderas and Western Islands (No. 408 etc.). *Continue* :—We send you here inclosed, the copy of a Meml. lately laid before us, concerning the progress the French have made in finding out and securing a passage from St. Lawrence on Canada River to their new settlement, called Louisiana, and down the River Mississippi in the Bay of Mexico ; Whereupon we must desire you to inform yourself, as particularly as you can of the facts therein mentioned, and to acquaint us therewith as soon as possible and to give us your sentiments, what methods may be most proper to be taken for preventing the inconveniences to which H.M. Plantations on the Continent of America, and the Trade of this Kingdom may be subject by such a communication between the French settlements. [C.O. 5, 915. pp. 99–102.]

March 7. **420.** Mr. Popple to Mr. Attorney General. Encloses deed
Whitehall. of surrender by the Lords Proprietors of the Bahama Islands to be enrolled in Chancery etc. [C.O. 24, 1. p. 18.]

March 7. **421.** Governor Sir N. Lawes to Mr. Popple. *Acknowledges*
Portsmouth. letter of March 4th. *Continues* :—My greatest objection against that Law is, that every body takes all opportunity to become what they call Reformado Officers, and all wise men who have been in any Office will make that Law a pretence, as I believe, they have done to become idle, and useless to the publick, because

1718.

they get nothing by it, and thereby lay a great burthen, and much trouble, and charge upon a few, besides making it very difficult for a Governour to find proper persons qualified by this Law, otherwise very loyall to serve the King and Country. I hear by report, that several matters relating to the Government of Jamaica has been, since I left London, under the consideration of his Majtie in Council, and that 14 Acts of the Assembly were some of them approved, and the rest rejected by the King. I am also told, that 14 times £3 2s. 6d. is demanded at the Council Office, for the fees of those 14 Laws, and that Mr. March has a list of them given him not to do service, but to ruffle matters, keep up divisions, and rail at the Ministers ; as I hear he, Harris, and others do for rejecting the Law that provides for the paying peoples passages and setting them free at Jamaica. I confess I could wish H.M. pleasure had been known at first, or that Law had lain suspended during its temporary end, because abundance of people have embarked upon the faith of that Law and many are now aboard several ships at this time in the Downs bound to Jamaica, and if they must be sold for their passages when they come there, they will be apt to say they were betrayed, and no body hereafter will depend upon any such encouragement. It would be a favour to me, to be informed of my duty in this case what notice I am to take of those Laws passed, or rejected, without any notification from the Secretary of State, or any proper Office, or whether I am obliged to pay those fees for such Acts of State, and Government as I was not concerned in otherwise than a planter, or private man. I have been now confined more than three weeks to this dismall expensive place by contrary winds, and God knows how much longer I must be so, but I admire in all this time I have received no Instruction about the pirates ; I am confident they will never be reduced by the same powers, and directions that have suffered them to rove so long, but that is what I am not answerable for, I wish no body had cause to complain, and that proper measures may be taken to keep those loose people in subjection, and obedience to the Law when they are subdued ; for my part I shall willingly commit them to Providence ; and never desire to be troubled with them in Jamaica. I beg you to present my most obedient service to their Lordships, and believe me, good Mr. Popple, for many reasons, and obligations I shall ever be, Sir, Your most humble servant *etc.* P.S. When you see my friend, and brother Governour Rogers, pray give him my service, the same to Mr. Bampfield. *Signed, Nicholas Lawes. Addressed. 1½ pp. [C.O. 137, 12. No. 124 ; and (without concluding sentences) 138, 16. pp. 98-102.]*

March 7.
Virginia.

422. Lt.-Governor Spotswood to the Council of Trade and Plantations. *Abstract.* In reply to letter of 30th Aug. gives an account of H.M. Revenues and the manner of auditing them. As to quit-rents, of 2s. sterl. reserved to the Crown upon every 100 acres granted by patent, that would yield nearly £3,000 a year, but that the Crown having so far indulged the planters as to accept tobacco at 1d. per lb. in lieu of money, it frequently

1718.

happens, when that commodity is low, that the same tobacco paid to the King at 8s. 4d. a hundred yields no more than 3s. or or half a crown ; and what through the remissness of the people in paying their rents, and the fraud or negligence of the officers collecting them, many thousands of acres are held for which no quit-rent at all is paid. There is also the 2lb. of tobacco per acre payable on new grants of escheated lands. The actual revenue from quit-rents might be considerably improved "if it were possible to persuade people that there is as much justice due to the King in the case of his quitt-rents, as every subject expects to receive in his own particular case": or were it possible for a Governor to obtain a due execution of any regulations he might propose for obtaining a true rent-roll. But after having struggled for seven years past to compass these ends, I have only learned that all measures projected for the service of the Crown, are against the grain, and serve to no other purpose than to gain a Governor the ill will of the people, while those who are bound to assist him in supporting the King's just rights, are more ready to promote disobedience to his orders, for the sake of popularity, than to merit the favour of their Sovereign, by doing their duty : Thus the people have been taught by the example, and doctrine of their superiors, not to discover the true quantity of the land they hold, by showing their patents or deeds to the officer collecting their rents : and notwithstanding the Act *etc.* which makes three years non-payment of quitt-rents a forfeiture of the land, the governing party of the Council, who are the judges of the General Court, and the last resort in all cases under £300 value, after having by their emissarys in Assembly tryed, in vain, to repeal that act, have declared their opinion to be that it shal effect no lands except such as have been granted since the passing thereof : whereby that act is rendered useless, which was solely designed to oblige the people to give up a just account of the lands they hold, without any intention of divesting the subject of his freehold for an inconsiderable penalty (as has been falsely suggested), seeing the Governor has it in his power to grant the land *de novo* to the person forfeiting the same. And so far are these Gentlemen from favouring the recovery of the King's rents, that in their directions (last November) to the Sherifs for collecting the arrears of quitt-rents, instead of ordering distress to be made, as every landlord has power to do, for his rent, the Sherifs were only enjoined to make a demand, and in case the tenant refused to pay to return upon the rent-roll the reason given for that refusal." *Enumerates* methods of improving the revenue without making a new law, e.g., by compelling the payment of quit-rents made in tobacco at certain fixed stations. But the present Council would prevent any such improvement. Another improvement would be to entrust the collection to permanent officers, instead of to the annual Sheriffs as at present, who act by deputies often of small means and indifferent characters. This method, however, is disliked on two very extraordinary grounds, (i.) because it would introduce a greater exactness than is consistent with the popular notions of liberty, (ii.) because it would creat too great a

1718.

dependence of those officers on the Government, the power of which the present sett of politicians here are resolved by all means to lessen. The not keeping regular accounts of arrears of the quitt-rents has also lessened the revenue ; during the time of the two late officers of the Revenue, such account has never been demanded till this last year. If the proposals made above were put in force, H.M. would rarely have less, and in general a great deal more for his tobacco, than the penny per pound at which it is paid by the people, and consequently would be no loser by the favour he allows them of paying tobacco in lieu of money. *Enumerates* the other branches of Revenue, the 2s. per hhd., tunage, and duty on persons imported, 5s. per 50 acres taken up *etc.* The improvement of this revenue must depend very little on any means to be taken there, but upon the price of tobacco as an inducement to planters. If H.M. would order the present deficiency to be made good out of the quit-rents, the Revenue would support all the charges of the Government hereafter, unless some such accident should again discourage planters from making tobacco, as when, during the late war, the price fell so low. To lessen the annual charges of the Revenue, *proposes* that no further allowance be given to the Judges of the Courts of Oyer and Terminer. It is to this mistaken generosity of the Crown, that the Council's pretensions of being the sole Judges in those Courts owe their birth, *etc.* *Requests* that the Instruction allowing £100 for each Court be altered. *Refers* to enclosures. *Describes* the reforms he has introduced in the method of keeping and auditing the accounts. The new regulations he has made with regard to the sale and accounts of Treasury rights (described), are shown to be necessary, since, upon calling in the old Treasury rights, some hundreds have been returned, more than have been accounted for by the Receivers-General. My Byrd and his father are the people concerned. *Concludes* :—"Tho' this method of keeping and auditing the accots. in books, be new, and occasions some more trouble to the Officers, I hope it will not be disapproved by yor. Lordps., since it makes these officers a greater check on one another, than they could possibly have been while one examined all the receipts, and the other swore to the truth thereof without being privy to such examination. P.S. April 26th. Having writt thus far of my former date expecting to have been furnished from the Receiver-Genll's. books with the state of the sevl. branches of H.M. Revenues for three years past in order to a medium computation of the income, I found there were no distinct accompts entered there, till Oct. 1716 (after the late Auditor's suspension) so that I was obliged to stop this letter till now, that I might at least send your Lordps. the state thereof for two years, wch. ends the 25th instant. As the first of these years proved a short crop, and the last a pretty good one, your Lordps. may from hence forme a judgment of what that Revenue may bring in, taking one year with another." *Set out*, Spotswood Papers II., 265. *Signed*, A. Spotswood. *Endorsed*, Recd. 8th July, Read 6th Aug., 1718. 9 pp. *Enclosed*,

422. i. (a) Annual produce of the Quitt Rents in Virginia,

1718.

- exclusive of the Northern Neck quitt rents, 1704–1717. 1704. 2,238,143 acres = £1,841 1s. 6 $\frac{3}{4}$ d. 1717. 2,216,881 acres = £2,240 16s. 7 $\frac{1}{2}$ d.
- (b) Compositions for escheat land, 1716 = £14 15s. 2d.; 1717 = £8 18s. 9 $\frac{1}{4}$ d.
- (c) Established sallarys paid out of the Quitt Rents:— Bishop of London's Commissary, £100; Attorney-General, additional sallary, £60; Coll. Blakiston, Agent for Virginia, additional sallary, £200; Henry Rainsford, an annuity for 31 years, £500. = £860. *The whole endorsed as covering letter.* 2 pp.
422. ii. (a) Annual produce of H.M. Revenue for the support of the Government of Virginia for two years ending 25th April, 1718. (i.) April, 1716–1717. 2s. per hhd., £2,258 14s.; 15d. per tun on ships trading here, £1,051 18s. 1 $\frac{1}{2}$ d.; 6d. pr. poll on persons imported, £15 6s. 6d. (ii.) April, 1717–1718. £3,403; £1,552 14s. 2d.; £38 6s. *Total*, after allowing 10 p.c. on the 2s. p. hhd. to the masters of ships, and 10 p.c. on the whole duties to the Collectors, and 5 p.c. to the Auditor and Receiver-General on the sum paid them by the Collectors, (£2,038 18s. 9d.), £6,281 0s. 0 $\frac{1}{2}$ d.
- (b) Rights for land for the same time, £228 11s. 7 $\frac{1}{4}$ d.; fines and forfeitures, £26 13s. 8d.
- (c) Established sallarys paid out of preceding. The Governor, £2,000 per annum; The Council, £350; Auditor-General of the Plantations, £100; Agent of Virginia, £100; Attorney-Genll., £40; Clerk of the Council (sallary and office books *etc.*), £100; Armourer, £12; Gunner at James City, £10; Ministers attending the Genll. Courts, £10. Casual Payments: The Courts of Oyer and Terminer, held twice in a year, £200; Ministers who preach before the Genll. Assembly when call'd, £5; Contingent charges for expresses about Indians, transport of stores *etc.*, £100. *Total*, £3,027. *The whole endorsed as preceding.* 2 pp. [C.O. 5, 1318. Nos. 47, 47 i., ii.; and (without enclosures) 5, 1365. pp. 64–81.]

March 8.
Carolina.

423. Committee of the Assembly of Carolina to Mr. Boone. We being by the House of Commons appointed a Committee to write to you, and enclose an Address to H.M. for relieving this poor Colony which at present seems to be in more danger by reason of our enemy Indians, than it has been this war. We are to acquaint you the reasons of our belief which are (i.) Some months before Christmas last we send Colo. Hastens, Cap. Musgrove and 8 persons more up to the Southern Indians then at war with us with proposals of peace, after some time Musgrove came down and brought a few of the Creek Indians to make peace with us, in the mean time Hastens and three or four white men besides women and children was left amongst the enemy Indians as a pledge of the safe return of their people, and when Musgrove left

1718.

Hastens, he engaged if alive to write to ye Savana Town by Christmas, but to this day no news from him. (ii.) We have advice pr. Capt. Watson that came lately from Augustine and by another vessel, that the enemy Indians brought the Spaniards word, they had killed Hastens and nine white people more. (iii.) A white man that came from Lavre de Cruz gives us account that several of our enemy Indians have been there and convey'd from thence to the Vice-Roy of Mexico in order no doubt to shew them their grandeur, that they may dispise us, they have also been carry'd to the Havana, doubtless on the same account, at both places treated at a very high rate. (iv.) We have had no late news either from the Cherachees or Cuttabas which have entred into articles of Peace with this Governmt. which induceth us to believe, that the whole body of Indians all round us are plotted against us encouraged by the French and Spaniards which we have good reason to believe, having affidavits of several persons that have been amongst our enemy Indians and had account what encouragment. the French and Spaniards gave them still to continue the war. We refer you to those affidavits sent to the Lords Proprietors by the late Governor Daniel and Council *etc.* (v.) Several servants of the rebels are run from their masters to Augustine and notwithstanding this Governmt. has made a demand of them, the Governmt. of Augustine detains them alledging they are turned Christians, and cannot deliver them, without the King's order, they likewise receive all our slaves they can get on any account, and refuse to deliver them tho' demanded by this Government. We need not acquaint the Government at home, how the French increase at Moble, and now have built garrisons amongst our Creek Indians, by what is now writ in haste you and all impartial men may judge of our circumstance which we assure you most people here take to be worse than ever and we are well assured as soon as the Governor of Providence arrives to his Governmt. many people will leave this Governmt. and go there for Peace, and the saving of taxes, for this handfull of people in this Governmt. is to pay in two days time £47,000, for our keeping so many garrisons on our frontiers will certainly ruin us if not quickly relieved. We are well assured if our Gracious Sovereign had a true information what a miserable condition his poor subjects are in in this Governmt. he would relieve us immediately. We doubt not of your prudent management of this affair, *etc.* Signed, pr. order of the Assembly, Ja. Cockran, Jonth. Drake. *Endorsed*, Recd., Read 6th May, 1718. 3½ pp. [C.O. 5, 1265. No. 99.]

March 10.
Whitehall.

424. Mr. Popple to Mr. Attorney General. *Encloses* copies of the Memorial of the Lords Proprietors of Carolina (v. 9th Feb.), and of a lease and release from them to Sir R. Montgomery (v. 18th and 19th June, 1717) and the Charter of Carolina, "which you will find in ye inclosed book, which book and papers, I am to desire you will return me with your opinion if there be anything contained in the said lease or release, that may be prejudicial to the right of the Crown." [C.O. 5, 1293. p. 138.]

1718.

March 10. **425.** Extract of letter from Mr. Burchal to Mr. Cunyngham.
 St.Christopher's The General went as far as Crab Island and gave Capt. Howel a
 Commission to be Captain Commandant to protect the new
 Settlement, which is since broke up by the Spaniards and many
 of our people knocked on the head. We have not an exact no.
 the survivors are made prisoners. *Endorsed*, Recd. 20th, Read
 23rd May, 1718. $\frac{1}{2}$ p. [C.O. 152, 12. No. 84; and 153, 13.
 p. 295.]

March 10. **426.** Council of Trade and Plantations to Mr. Secretary
 Whitehall. Addison. Enclose for his information copy of letter from Col.
 Heywood, 21st Dec., 1717, relating to the increase of pirates.
Autograph signatures. 1 p. *Enclosed*,
 426. i. Copy of No. 271. [C.O. 137, 46. Nos. 30, 34; and
 (without enclosure) 138, 16. p. 97.]

March 10. **427.** Mr. Popple to Mr. Burchett. Encloses copy of letter
 Whitehall. from Mr. Heywood (*v. preceding*). [C.O. 138, 16. p. 98.]

[March 11.] **428.** Mr. Dummer to the Council of Trade and Plantations.
 I have by the last ships from New England receiv'd a complaint
 from the Lieut. Governour, the Council and Representatives of
 New Hampshire that Mr. Bridger at his arrival there has strictly
 forbid all persons whatsoever to go into the woods, and to cut
 any sort of timber thô it neither is, nor can be fit for H.M. service.
 Whereupon the Assembly have desir'd me humbly to represent
 the matter to your Lordpps. as a great grievance and damage to
 all H.M. good subjects in that Province, and pray that your
 Lordpps. will be pleas'd to redress the same. *Signed*, Jer.
 Dummer. *Endorsed*, Recd. Read 11th March, 17} $\frac{1}{2}$. *Subscribed*,
 Jer. Dummer, Agent for N. Hampshire, appointed by Act
 of Assembly. 1 p. [C.O. 5, 866. No. 142; and 5, 915. p. 104.]

March 11. **429.** Mr. Popple to Mr. Bridger. *Reply to 30th Dec., 1717.*
 Whitehall. The Council of Trade and Plantations are very sorry for the
 destruction which you mention to have been made in some
 parts of H.M. woods, but hope those abuses may be prevented
 for the future by your care and vigilance in the discharge of your
 duty, weh. will always recommend you to the favour of the
 Board. In relation to the Deputies you have appointed and the
 allowance you desired for them. I am to observe to you that
 you cannot but remember the difficulties which the settlement of
 a salary for yourself met with; and therefore may judge how
 little likelihood there is of obtaining any such allowance for these
 Deptys. at present: When the survey you are upon is perfected,
 and it may fully appear what service the said Deputies have done,
 they may hope for rewards suitable to their services and expect
 the proper recommendations from this Board in their behalf.
 As soon as their Lordps. have notice from the Governor of New
 Hampshire of the vacancies you say there are in the Council,
 their Lordps. have agreed to recommend you for supplying one
 of those vacancies. [C.O. 5, 915. pp. 102, 103.]

1718.

March 11. **430.** Mr. Popple to Mr. Burchett. Encloses extract from Whitehall. Governor Hamilton's letter, 6th Jan., as to need of a larger man of war *etc.*, to be laid before the Lords Commrs. of the Admiralty. [C.O. 153, 13. p. 250.]

March 11. **431.** Council of Trade and Plantations to Mr. Secretary Whitehall. Addison. Enclose above extract to be laid before H.M. [C.O. 153, 13. p. 251.]

March 12. **432.** *Same to Same.* Refer to letter of Sept. 26, 1717, representing that in the grants of land petitioned for by Sir A. Cairnes *etc.* the fishing on the seas within the district to be granted should be left free to all H.M. subjects. *Continue*:—We are further confirmed in the necessity of such a condition because we have good reason to believe the seas on those coasts is more profitable for fishing than in any other parts of H.M. American Dominions: But least a pretence should be taken to restrain this liberty barely to ye fishing on the seas, without allowing ye fishermen liberty of curing their fish along the coast, we think it proper to observe that if H.M. shall think fit to grant the land pray'd for, it will be necessary there be a clause in the patent allowing to all H.M. subjects the liberty of building stages and curing fish on the coast without being liable to any impositions upon that account. *Propose* that orders be given to H.M. Attorney or Solicitor-General to attend the Board to receive such directions as may be thought necessary before they prepare a bill for this grant *etc.* [C.O. 218, 1. pp. 340, 341.]

[March 12.] **433.** Copy of General Nicholson's Commission and Instructions for the reduction of Port Royal, 18th March, 1710. *Endorsed*, Recd., Read 12th March, 17 $\frac{1}{2}$. 2 $\frac{1}{4}$ pp. [C.O. 217, 2. Nos. 40–42.]

[March 12.] **434.** Copy of pass from M. Subercase to Major Richard Mullins and Charles Brown *etc.* 23rd Oct., 1710. *q.v.* *Endorsed*, Recd., Read 12th March, 17 $\frac{1}{2}$. *French.* 1 p. [C.O. 217, 2. No. 43.]

March 12. **435.** Mr. Attorney General to the Council of Trade and Plantations. I have no objection to the Act of Antigua for encouraging the importation of white servants (*v.* 10th Feb.) *Signed*, Edw. Northey. *Endorsed*, Recd. 3rd April, Read 2nd May, 1718. $\frac{1}{3}$ p. [C.O. 152, 12. No. 79; and 153, 13. p. 286.]

March 12. **436.** *Same to Same.* Report upon Act of New York, 1710, for the better settlement and assuring of lands *etc.* Provisions quoted. *Concludes*:—It seems pritty extraordinary that the Govr. of New York should now propose the repealing of that bill which pass't in 1710 and in 1713 many titles of the possessors were establish't thereby, and who may have sold to purchasers under the security of that Act, by the repealing of which they may now want the titles upon which they purchased. On which

1718.

I cannot but observe the great inconveniencys which may happen by suffering the Plantation Laws to remain so long not confirmed or repealed, and therefore it will be difficult to repeal this law now, whereby so great a prejudice may ensue to such purchasers, unless some provision be first made for them. As to the Bill I think it is improper to put H.M. and his subjects in the same condition as to their being barred by possession, but if H.M. for the quiet of the publick be content with the same, I have no objection to that part of the Bill. And as to the making copys of deeds registred to be as good evidence, as the originals, it is no more than what is in England, in case of bargains and sales enrolled, and I have no objection agt. any other parts of the said bill. *Signed*, Edw. Northey. *Endorsed*, Recd. 3rd, Read 9th April, 1718. 3 pp. [C.O. 5, 1051. No. 64; and 5, 1124. pp. 16-19.]

March 12. **437.** *Same to Same.* I have no objection to either of the Acts of Jamaica (*v.* Jan. 8th, 1718). *Signed*, Edw. Northey. *Endorsed*, Recd. 3rd April, Read 21st May, 1718. $\frac{1}{2}$ p. [C.O. 137, 13. No. 7; and 138, 16. p. 112.]

March 12. **438.** Council and Assembly of Nevis to the Council of Trade
Nevis. and Plantations. We have been greatly surprised to hear of a paragraph inserted in some newspapers importing, that his Majestie had been pleased to appoint Col. Purcell to be Chief Governour of the Leeward Islands, in the room of Walter Hamilton Esq., and we are informed, that it has been industriously spread abroad, that it was for disaffection to H.M. Government, *etc.* *Represent* the falsity of this charge and their own apprehension at his recall. They have enjoyed much happiness and tranquillity under his administration, and recall his brave and free hazarding his life in defence of the Protestant cause, at the time of the Revolution *etc.* Testify to his loyalty *etc.* His conduct has been prudent, mild, impartial and just *etc.* His whole administration has been universally pleasing to all unbiased, unprejudiced, and honest men *etc.* *Pray their* Lordships to support and continue him in the Government. *Signed*, Richd. Abbott, John Pinney, Jas. Bevon, Aza. Pinney, John Richardson, Robt. Eleis, Michl. Smith, Jno. Choppin, Rog. Pemberton, Speaker, Saml. Gardner, Ja. Symonds, Rich. Brodbelt, Joseph Herbert, John Smith, John Woodley, Thos. Wallwin junr., Jeremiah Browne, Geo. Meriwether. *Endorsed*, Recd. Read 10th June, 1718. 2 pp. [C.O. 152, 12. No. 85; and 153, 13. pp. 296, 297.]

March 12. **439.** Address of the President and Council, and Assembly of Nevis to the King. In favour of Governor Walter Hamilton as March 3rd. *Signed*, Richd. Abbott, Jas. Bevon, Aza. Pinney, Robt. Eleis, John Richardson, Mich. Smith, Jno. Choppin, John Pinney, Roger Pemberton, Speaker, Ja. Symonds, Richd. Brodbelt, John Smith, John Woodley, Joseph Herbert, Samll.

1718.

Gardner, Geo. Meriwether, Jeremiah Browne, Carew Brodbelt, Thos. Wallwin junr. 1 large p. [C.O. 152, 42. No. 112.]

March 12. **440.** Mr. Burchett to Mr. Popple. The Heads of Enquiry *etc.* (v. 3rd March) are sent to Capt. Scott *etc.* The last article of the Instructions is particularly recommended to him. When Capt. Passenger returns, he will doubtless send to the Lords Comrs. for Trade an account of the Fishery at Newfoundland. Signed, J. Burchett. Endorsed, Recd. 12th, Read 13th March, 1717. Addressed. 1 p. [C.O. 194, 6. No. 43; and 195, 6. p. 392.]

March 15. **441.** Governor Hamilton to the Council of Trade and Plantations. Having been lately advised by my friends in England that a petition and complaint has been exhibited against me before your Lordships by one Christopher Stoddart representing some hardships by me done to the petitioner in granting a plantation whereof he was possessed in the French part of the Island of St. Christophers to Mr. Milliken and that I had caused him and his family to be turned violently out of his possession and exposed to great want I thought it my duty by the earliest opportunity I could to lay before your Lordships a true account and state of the matter *etc.* The rule which I have set to myself *etc.* in discharging the trust reposed in me by H.M. of disposing of the lands in the late French part of that Island till H.M. final pleasure was known therein has been to grant the same to such people as were best able to advance H.M. Revenue by making powerfull and effectual settlements thereon, and had by their services during the last war deserved best of their King and Country, not without a due regard (I think) to the poorer sort whom I never denied such tracts of land as they were able to manure in places most convenient for them, which I have always thought to be those nearest the sea; where being seated they are best able to contribute most to the strength and safety of the Island as also with more ease to succour and maintain their families by the conveniency of fishing if they are minded and I never receiv'd any consideration or made any advantage to myself from any persons thereby *etc.* This plantation which I have granted to Mr. Milliken contains about 200 acres of land and was in 1711 by General Douglass granted to one Thomas Mitchell formerly a Commander of one of H.M. ships of war and by him possessed till his death in 1714. Captain Mitchell some little time before his death entered into an agreement with this Stoddart to plant the same in partnership with him as your Lordships will find by the agreement (*copy enclosed*) intended between them tho' never executed, by which agreement your Lordships will observe how little Mr. Stoddart was able to settle such a Plantation, the whole number of negroes furnished by both of them being but twenty and his part but ten. Capt. Mitchell dying some time in 1714, Stoddart remained in possession of the said plantation till I arrived, but without any grant from Governour Smith who commanded in chief when Mitchell died, or from Lt.-General Mathew who succeeded him, tho I am informed he applied to

1718.

both of them for a grant and they both denied him. The said plantation being undisposed of when I arrived I thought I might grant the same to anybody without doing any injustice to Mr. Stoddart who had not any pretence of title to it nor had he at that time made anything of a settlement or much improvement of his own thereon having not been concern'd with Capt. Mitchell in improving the same above a year, and therefore I did upon the application of Major James Milliken grant the same unto him, but withall gave particular directions to him that he should suffer Mr. Stoddart to reap the benefitt of his crop then in the ground and of whatever improvements he had made which Mr. Stoddart has done to the full. If he has suggested in his petition that I by any arbitrary power of my own caused him to be turned out of his possession, he has suggested to your Lordships what is not true : for after I had given Major Milliken a grant for the said plantation I concerned myself no further in it but left Major Milliken (Mr. Stoddart forcibly continuing his possession notwithstanding my grant) to pursue his legal remedy ; who thereupon brought an ejectment against him in the Courts of Common Law here and recovered not the possession thereof till August last. *Refers to enclosure. Continues* :—What improvements Mr. Stoddart has made upon this plantation which is but very small he never having manured above 30 acres in the whole (but that in the heart of the Plantation and the best part of the land, and without which Major Milliken can't carry on his settlement without great prejudice) he has made chiefly since my grant ; and therefore I would submit it to your Lordships whether a man thus obstinately settling without any manner of title and in open opposition to the power given by H.M. to his Chief Governours here, has any colour to complain of any hardship done him, if he were to loose the benefitt of it and receive no further than what the Law allows him, but nevertheless I do assure your Lordships that Major Milliken has not taken that advantage but has upon my request been so very tender to him as to let him receive the produce of whatever canes he has planted even since my grant to him, and that Mr. Stoddart's wife is at this time by his leave grinding of the canes for her own use, which her husband planted long after my grant tho he has withstood him as long as he could and put him to the trouble and expence of a lawsuit *etc.* Had Mr. Stoddart applied to me to grant him this plantation (which he did not) I think I could not in reason have refused it to Mr. Milliken. Mr. Stoddart in the first place has done nothing to deserve it but on the contrary during the late war when he had the command of a Militia company and the Island was invaded by the enemy, he shamefully deserted his command and flew to the mountains, and there remained till the enemy was gone on the other hand Major Milliken has always during my knowledge of him behaved himself very well upon every command and did voluntarily upon the breaking out of the late war in 1702 leave his family and habitation in Nevis to come down and assist in the taking of the French part of St. Christophers. And besides Mr. Stoddart is a man of but mean circumstances

1718.

and not able to settle such a plantation as this, having but 10 negroes to bring upon it *etc.*, whereas Major Milliken is able to settle it effectually and has brought on above 74 negroes, and will thereby bring more advantage to H.M. Revenue besides adding more strength to the Island by the number of his white servants, and has not any other plantation in these Islands *etc.* If Mr. Stoddart had applied to me for any vacant peice of land in a proper part of the Island that was suitable to his condition I should not have denied him, having always done whatever in me lay to encourage the poorer sort to settle, knowing how much they contribute to the strength of an Island, but this I thought was a plantation too large for him to expect or me to grant him *etc.* If there be any other charges in this petition not answered herein, *prays for a copy of it, etc.* Signed, W. Hamilton. Endorsed, Recd. 12th, Read 18th June, 1718. 3 large pp. Enclosed,

441. i. Deposition of James Milliken. St. Christophers, 14th March, 1718. By an agreement with Christopher Stoddart, deponent received $\frac{1}{3}$ rd of the produce of the canes planted by him on the plantation of 200 acres granted to deponent 8th May, 1716, deponent finding negroes and horses to cut and grind them. Thereafter however Stoddart left for England and his wife refused to quit possession of said plantation, till compelled by process of law. Her obstruction caused deponent to lose 20,000 lb. of sugar. He has notwithstanding permitted her to cut and grind the rattoones springing from the canes Stoddart had cut last year *etc.* Signed, James Milliken. Copy. 3 pp.

441. ii. Agreement concluded between James Milliken and Christopher Stoddart. St. Christophers, Dec. [? 1716]. *v. preceding.* Copy. $\frac{3}{4}$ p.

441. iii. Agreement concluded between Christopher Stoddart and Capt. Thomas Mitchell, St. Christophers, Sept., 1714. Deed of partnership for developing plantation in Basse Terre. Each partner is to provide 10 negroes, 3 horses and 3 cart cattle *etc.* Copy. 1 p. [C.O. 152, 12. Nos. 86, 86 i.-iii.; and (without enclosures) 153, 13. pp. 298-305.]

March 15. 442. Governor Hamilton to the Council of Trade and Plantations. St. Christophers. *Begins with duplicate of 8th Feb. Continues:*—I have in obedience to H.M. commands and your Lordships' directions (4th Oct., 1717), recommended to the Council and Assembly of Antigua to prepare a particular account of all the charges of the Government *etc.* A Committee of both houses is appointed for stating the same, which is the usual practice of these H.M. Islands for auditing all accounts. As soon as that is finished I shall strive to have the same done in the other three Islands and then transmit them home by first opportunity. I am now to acquaint your Lordships that what I always dreaded is come to pass, for that on the 10 of February last the Spaniards with one man of war and six sloops came to Crabb Island, sent on shoar to demand them

1718.

to surrender the Island to the King of Spain, what answer Captain Howell (whom I formerly mentioned to your Lordships) made I cannot inform you, he being carried away by them, but they immediately after landed, have killed severalls of our men and taken others with their wives and children with upwards of 50 negroes and carried them all to Porto Rico, the rest saved themselves by flight to the Windward part of the Island and were taken off by small sloops that accidentally were coming down there, and were carried to Anguilla and Spanish Town and it's said they design to carry all they took to Mexico; They took all the sloops they found upon that coast as well as they do others in the open sea. I humbly beg your Lordships to lay this before H.M. that I may have as soon as possible H.M. commands and your Lordships' directions how to act in this affair; in the mean time I design to make a demand of them, as well as of the sloops and negroes by the *Scarborough* man of war on the Barbados station, who has orders from the Admiralty Board to go down there to make a demand for a ship seized in the time of the cessation of armes, and shall inform your Lordships the particulars from time to time as they occur to my knowledge. The poor people of Anguilla, Spanish Town and Tortola are still very pressing to remove to the Island of Santa Crois or St. Cruis, but I have desired them to have patience till I shall receive H.M. commands, and your Lordships directions, which I beg may be soon for otherwise it will be impossible to keep those poor people together, indeed they are almost famished for want of food, for such a long spell of dry weather has not been known in the memory of man. Had half the former French land in St. Christophers been given gratis to those poor people I am very well satisfied it would have in a few years turned to a greater advantage in raising the Revenue of the Crown than now it will by the sale, and would have been the strengthening of all the Islands, but as they are now dispersed they are so many lost, but I must submit all to your Lordships more discerning judgement. I have so often troubled your Lordships with representing that the man of war on this station was of little or no service whereupon your Lordships letter to the Admiralty Board the *Tryal* sloop was ordered for this station to reinforce the *Seaford*, which sloop did not arrive from Jamaica to this Government till the 15th of last month, and before she stirred out of the harbour of Antigua she received orders for her returning forthwith for Great Britain. So that we are again as defenceless as before, should any pirates infest this coast, which I must also leave to your Lordships' consideration etc. Signed, W. Hamilton. Endorsed, Read. 12th, Read 18th June, 1718. 3 large pp. [C.O. 152, 12. No. 87; and 153, 13. pp. 305-308.]

March $\frac{15}{26}$.
Essequebe,
opt Huys
Naby.

443. Commandant Vanderheyden Rézen to the Directors of the Dutch West India Company. Signed, Pr. Vanderheyden Rézen. Endorsed, Read, 28th April, (N.S.) 1718. Dutch. 15½ pp. Enclosed,

1718.

443. i. Lists of requirements, inventories of slaves and goods, clearances of vessels. *Dutch*. [C.O. 116, 21. Nos. 156 ff.]

March $\frac{1}{3}$ $\frac{5}{6}$.
Essequibe,
opt Huys
Naby.

444. *Same to Same*. Signed, Pr. Van der Heyden Rézen. *Endorsed*, Read 18th (N.S.) July, 1718. *Dutch*. 11½ pp. [C.O. 116, 21. No. 157.]

March 16.
St. James's.

445. Order of King in Council. Referring following to the Council of Trade and Plantations for their opinion thereupon. Signed, Edward Southwell. *Endorsed*, Recd., Read 10th June, 1718. 1 p. *Enclosed*,

445. i. Petition of inhabitants and traders of New Jersey to the King. *Pray* to be heard before the Order in Council confirming the Act of New Jersey *allowing the affirmation of Quakers etc.* be issued. (v. Feb. 13). The Act is repugnant to the laws of this Realm, contrary to the Governor's Instructions, and tends to the great damage of petitioners. It was sent up for H.M. approbation by the Council of Trade without first hearing objections to it *etc.* *Set out*, N.J. Archives, 1st Ser. IV., 341, 342. Signed, Chris. Billope, Saml. Mulford, Cha. Huddy, Saml. Bustill, Thos. Clarke, Peter Hambly, J. Barkstead, Charles Lodwick, Jo. Lloyd, Joseph Lowe, Joseph Paice, Moses Levy. *Copy*. 3½ pp.

445. ii. Notes on signatories of preceding. Billop, of Staten Island; Mulford, of Long Island; Huddy, his father was of the Jerseys, he was Lt. in the Companies at N. York, but lives here; Tho. Clarke, was here very lately, a very young lad; Hambly, a hatter who lives here; Lodwick, a factor here for some N. York merchts.; Lloyd, of Long Island; Levy, a Jew here. 1 p. [C.O. 5, 971. Nos. 73, 73 i., ii.; and (without enclosures) 5, 995. p. 439.]

March 17.
Whitehall.

446. Mr. Secretary Craggs to Governor Sir Nicholas Lawes. Mr. Addison having humbly represented to the King, that the bad state of his health, will not permit him to attend the business of his Office, as Secretary of State, H.M. has been pleased to honour me with the Seals, and has assigned to my care the affairs of the Southern Province. I take the first opportunity of giving you notice thereof, that you may for the future address to me, whatever shall occur to you for H.M. service. I have at present only to add, that I shall very readily embrace all occasions of shewing you how much I am *etc.* Signed, J. Craggs. Similar letters were sent to all Governors of Plantations. [C.O. 324, 33. pp. 162, 163.]

March 17.

447. Peter Heywood, C. in C. of Jamaica, to the Council of Trade and Plantations. *Refers to Feb. 7th. Concludes*:—A considerable no. of the pyrates have come in and surrendred upon H.M. proclamation and more they assure me will as they find

1718.

opportunities of vessels. H.M.S. *Diamond* is upon our coast being return'd from La Vera Crux. *Signed*, Peter Heywood. *Endorsed*, Recd., Read 22nd May, 1718. 1 p. [C.O. 137, 13. No. 8; and 138, 16. p. 113.]

[March 18.] **448.** Richard Lightfoot to the Council of Trade and Plantations. Intending to go in a short time for Barbadoes, where he has a considerable estate, prays to be appointed to the Council there. Recommendations by the Duke of Newcastle and Bishop of Salisbury. *Signed*, T. Holles Newcastle, W. Sarum. *Endorsed*, Recd., Read 18th March, 171 $\frac{1}{2}$. 1 p. [C.O. 28, 15. No. 32.]

March 18. **449.** Mr. Hoy to Mr. Delafay. I wrote about Xmas under
Kingston in cover to my sister Hoy who I hope has attended you with it,
Jamaica. and others to Ld. Derby *etc.* *Continues* :—I am conscious to myself Mr. Congreve has much more merit, and a more extensive interest than myself, wch. makes me justly fear, least the proposalls in my last, to my only remaining and most honoured patron, may have wanted effect. This was not really in my thoughts, at that time, and I do sincerely ask Mr. Congreve's pardon; tho if an equivalent could have been thought on for him, I flatter myself this Island would have been satisfied in the change, wth. respect to a Deputy he has here not very agreeable to them, and who I believe has given him some trouble, *etc.*
P.S. Please to put my sister's into the penny-post: and having perused 'em forward both to Ld. Derby. *Signed*, (?) J. Hoy. 2 pp. [C.O. 137, 46. No. 31.]

March 19. **450.** Council of Trade and Plantations to Lieut. Governor
Whitehall. Keith. We have received your letters of 24th Sepr. and 25th Novr. last and thank you for them. We agree with you in opinion that there ought to be a much higher duty laid in all the British Plantations upon the importation of all commodities of foreign Plantations, than is or may be laid on any commodities, which are of the growth or product of this Kingdom, and the Dominions thereunto belonging so as to encourage as much as possible ye commodities of our own Plantations, preferably to those of all foreign Plantations. We have not had any proposals offer'd to us relating to iron ore, since the receipt of your letters. But last year having had that matter under consideration we represented to H.M., that iron ore is to be found in great plenty and very good, in all the Provinces on the Continent and recommended a premium might be allow'd by Parliament to encourage ye importation of iron from the Plantations. Mr. Gee and several other merchants apply'd this year to Parliament for obtaining a premium upon the importation of iron from the Plantations, but nothing was done in it however it may perhaps be obtained next year, and you may be assured that we shall give all proper encouragement towards it. We send you here inclosed the copy of a Memorial lately laid before us concerning the progress the French have made in finding out and securing a passage from St. Lawrence or Canada River to their new settlemt. called

1718.

Louisiana and down ye River Missisipi in the Bay of Mexico ; whereupon we must desire you to inform yourself as particularly as you can of the facts therein mentioned to acquaint us therewith as soon as possible and give us your sentiments, what methods may be most proper to be taken for preventing the inconveniencies to which H.M. Plantations on the continent of America and the trade of this Kingdom may be subject by such a communication between the French settlements. *Instructions* for an account of ~~imports~~ from the Maderas and Western Islands *in same terms as No. 408.* We are obliged to you for the accot. you have sent us of your transactions with the Indians, and shall be glad of hearing from you as often as you can. [C.O. 5, 1293. pp. 138-141.]

March 19. **451.** Mr. Popple to Sir E. Northey, late Attorney General. Whitehall. Asks for opinions on references already made, and return of other papers *etc.* [C.O. 153, 13. pp. 268, 269.]

March 20. **452.** Mr. Carkesse to Mr. Popple. Encloses following to be Custom House, laid before the Council of Trade and Plantations. *Signed,* London. Cha. Carkesse. *Endorsed,* Recd. 22nd, Read 25th March, 1718. *Addressed.* $\frac{3}{4}$ p. *Enclosed,*

452. i. Extract of letter from Col. William Rhett, Surveyor of Customs in Carolina, to the Commissioners of Customs. South Carolina, 31st Dec., 1717. An Act is lately passed by the Assembly and ratified about a week since that lays a duty 10 p.c. upon all manner of goods of the Brittish Manufactory imported into this Province from Great Brittain, which I take to be of a dangerous consequence *etc.* There is not less than £150,000 imported from Great Brittain yearly to this Collony and cheifly woolen manufactory, but such a duty will undoubtedly prevent that quantity of goods being imported for the future and greatly discourage our Brittish merchts. Your Honrs. are too well apprised of the mischeifs that must necessarily follow if the Collonys are allow'd to make laws that tends so much to the prejudice of the Brittish trade, and the lessening H.M. Revenues, and not only discourage the fair trader, but will undoubtedly putt the illegal traders upon supplying these parts with all manner of forreign goods from Holland, Portugall *etc.* and if the clandestine traders are under the temptation of running of goods, to save an extravagant custom, they can with as much ease run forn. goods, which they purchase att a far cheaper rate. Soe mischeiveous a law *etc.* will most certainly putt the inhabitants upon going on a manufactory of their owne which is what they have for some time past aim'd att, and endeavoured to effect and are capable to do, having wool in great plenty. The Assembly have made severall other laws very prejudiciall to trade, and this they do purely, because they will not tax their own estates, to discharge

1718.

the debts of the Province occasioned by our unhappy Indian war, though to my knowledge they have not raised more than one or two years taxes for this 24 years past, but by laying prodigious duties upon the importation of all sorts of goods in this Collony, has by those methods exempted themselves from paying taxes and has throwne the whole charges and burden upon trade and Brittish merchants, wch. deals to these parts, who have and do bear the burden of our Indian war, *etc.* *Signed*, Wm. Rhett. *Copy*. 2 pp. [C.O. 5, 1265. Nos. 94, 94 i. ; and (without enclosure) 5, 1293. p. 141.]

March 20. **453.** Order of Committee of Council. The Committee for
Whitehall. hearing appeals, complaints from the Plantations defer the consideration of the petition of Samuel Mulford, until their first meeting in May, Governor Hunter's answer being daily expected. Upon its arrival, the answer is to be transmitted to Mr. Mulford and this Board. *Signed*, Edward Southwell. *Endorsed*, Recd., Read 1st April, 1718. $1\frac{1}{4}$ pp. [C.O. 5, 1051. No. 62 ; and 5, 1124. pp. 14, 15.]

March 20. **454.** Council of Trade and Plantations to Governor Hunter.
Whitehall. *Enclose* Order of 13th Feb. confirming two Acts of New Jersey, to be published and entred in the Council Books as usual. [C.O. 5, 995. p. 438.]

March $\frac{20}{31}$. **455.** Commander Van der Heyden Rézen to the Directors of
Rio Essequibe, the Dutch West India Company. *Signed*, Pr. Van der Heyden
opt Huys Rézen. *Endorsed*, Read 23rd June (N.S.), 1718. *Dutch*. $2\frac{3}{4}$ pp.
naa By. *Enclosed*,

455. i. Duplicate of No. 443.

455. ii.-vii. Orders, inventories *etc.* *Dutch*. 17 pp. [C.O. 116, 21. Nos. 158, 158 i.-viii.]

March 20. **456.** Lt. Governor Spotswood to the Council of Trade and
Virginia. Plantations. *Refers to recent letters etc.* Having just come to the knowledge of a letter sign'd by eight of the Council of this Colony, and delivered at Whitehall by their associate, Mr. Byrd, together with a remonstrance, against the Courts of Oyer and Terminer *etc.*, I find myself under the necessity of giving yor. Lordps. the trouble of this *etc.* *Replies to their arguments that H.M. Commission and Instructions concerning the Judges of those Courts are contrary to the laws, to the Charter and to the constant practice of the Colony etc. ; also to their complaint that he misrepresents their case, and their address about the quit-rents etc. v. supra.* *Continues* :—The secret I am to unfold is, that these Gentlemen have been projecting for 10 or 12 years past to procure a sallary of £100 pr. annum to each Cuncelor, and the King's quitt rentt was the fund they built upon *etc.* The first step was to get that revenue appropriated to the use of this Government, and then afterwards they might the more easily have it granted to the Council. Now when Mr. Ludwell returned from

1718.

England in 1714, he gave his brethren of the Council such hopes of success, that they thought their design ripe for execution ; and upon trying to engage me to second their measures, Mr. Ludwell opened the affair so far as to tell me that he knew a person in England, who had interest enough at Court to obtain the quitt rents for the service of this countrey, and who would for a bribe of £300 undertake to get that Revenue so settled. Here my Lords, is the key that unlocks all the causes of their late behaviour about the quitt rents : This explains how it comes to pass that I have greatly incurrd their displeasure, since I would not second their Address ; and this shews why they would not be contented with my applications (to the Treasury as well as to yor. Lordps. Board) for no more than such a donation as might suffice to clear the present deficiencys in this countrys revenue. And seing I could not convince these Gentlemen, that it was most fitt the Government here, should have a continual dependance on H.M. favour, and that to secure the people's affections to a Prince they never behold, we ought to contrive that they should from time to time become humble suitors for his Royal bounty : since, I say, they would not relish this sort of policy, but would send over Mr. Byrd, to insist on King Charles's letter, and to get the quitt rents lodged where there should need no application to the Sovereign at home, I cannot but still think that they meant nothing less by their Address, than a surrender of H.M. quitt rents : and I dare answer for every Member of the House of Burgesses, that they will say they made a surrender of the 2s. per hhd., when they past an Act to leave it in the disposal of the Crown, notwithstanding they appropriated that duty to some certain services of Government ; Whereas the Assemblys Address to the King did not ask the quitt rents under such limitations ; They wanted them to answer all sudden emergencys ; That is to say to be disposed of by these Gentlemen whenever they pleased ; for they can so serve a turn, feign an emergency, and tell of an Insurrection that is not in being ; as may be observed by a parenthesis in their letter, where they informe yor. Lordps. that when they join'd in the Address, they were under some apprehensions of an invasion at that time from the general Insurrection of the Indians against Carolina : whereas the revolt of the Indians did not happen till the year following, and then broke out so unexpectedly, that the English of Carolina were under but few hours apprehensions of mischief before they felt their enemys fury : and if these Gentlemen knew of the heathen design as long before as they pretend, what part may they be said to have acted for their countrey, when they agreed in Assembly to lessen the guard of their frontiers, at the very time they apprehended they might be invaded ? for the same Session of their Address an establishment was made, whereby the 132 men wch. had for the three preceding years been paid as Rangers, were reduced to 41 men for the two succeeding years. The next matter, these Gentlemen are offended at, is the stile of my observations upon the Revenue, wherein I have said that I had obtain'd some laws, and new regulations, which I had proposed to be made for

1718.

improving H.M. Revenue : This is what I still maintain to be truly set forth *etc.* It is very hard measure these remonstrants would mete out to me, that while they and their party are endeavouring to blacken me with the people here, as the main contriver and promoter of the land-law, and of all orders of Government for encreasing the Revenue, they at the same time are aiming to discredit me with yor. Lordps. at home, as if I had the least hand in all the measures taken for advancing the King's interests, and as if they had been the chief projectors of whatever good laws or orders have been made for the service of the Crown *etc.* What follows next in their letter, I have no occasion to answer, untill they will shew me where I have accused them of factious tampering with the last Assembly : and whoever reads the Council's Message to the Burgesses wch. they sent to that House the last day of their Session, must conclude that I could not be capable of making such a Representation against persons who appeared then so heartily to vindicate me, and so fully to justify my conduct with that Assembly. Yet still I don't intend to clear them all from the imputation of tampering ; for I cannot but think that one of these Remonstrants acted such a factious part as could never pass for a design to heal differences. Nor can I make any answer to what these Gentlemen lay next to my charge in the general terms of new measures. *Refers to Journal of Council etc.* But I must not pass by in silence one part of the same paragraph, where they say they have always paid the utmost deference to me *etc.* : for I am but too sensible their behaviour here, is to lessen me in the eyes of the people : yet all the slights and affronts they can offer, I receive with unconcern, well knowing I am sent hither to keep the people loyal and just, rather than to teach a rude sett of men manners, *etc.* As to their desire that no Governor may exercise the Prerogative of the Crown contrary to former practice, without express Instructions so to do ; This is a very modest request to be made by men who are sworn to assist and defend the King's Prerogative : and if the ancient and legal rights of the Crown, must give place to the later customs of an infant Colony, and especially if the practice and usage which these men would introduce shal be of the greater force, the Princes power and authority must daily lose ground in these parts ; and tho they would seem to admitt express Instructions from H.M. to recover it, yet such concession is but to guild over their demand : for they are sensible that they have endless shifts to oppose a Governor, whenever he would put them in execution, and they know that I have been contending here near seven years for a due observance of the 29th Article of the King's Instructions, without having hitherto obtain'd what is therein required under pain of H.M. highest displeasure. And I submit to yor. Lordps. whether these Gentn. ever designd to assist the Governor in supporting the Prerogative of the Crown, when in passing the General Court Law in 1705 they struck out a clause of the Judge's oath wch. had been approved by yor. Lordps. Board, in these words [you shal not know or suffer any hurt or disherison of the King, but you shal make known the same to the

1718.

Governor *etc.*]. Thus they are dispensed with, from advising the Governor in any case where the legal rights of the Crown come to interfere with the pretended usages of the country ; and unless a Governor is present on the Bench and finds out of himself that the King's interest is encroached on, he is not to expect any information *etc.* Their next request to yor. Lordps. for communicating to the party accused a copy of his accusation before it be suffered to make any impression to his prejudice, carries with it a shew of so much reason, that I shal readily agree with them ; if yor. Lordps. think it for H.M. service, that every misbehaviour of a Counselor or officer, wch. a Governor finds himself obliged to informe yor. Lordps. of, in the course of his correspondence, should be immediatly sent to the party in order to his framing an excuse, and getting a knott of relations in the Council to vindicate him therein, a favour which any man in the Government may readily obtain of them : for it is become a standing rule that whoever is either punished for his crimes, or disappointed of his expectations or has a man of more merit preferred to him in the distribution of the Governors favours, he is presently caressed and adopted one of that party, and may depend on their service purely for his disaffection to the Government. For my own part I could wish that not only all accusations sent to yor. Lordps. Board, but the accusers also were made publick. But tho these Gentlemen are very desirous to have it so, when anything is laid to their charge, yet they dont allow a Governor the same privilege ; for when I required Collo. Ludwell's answer to my charge agt. him as Auditor, he positively denied it, and to this hour, I know not what it contains, except that by the intimation of some of my friends, I have come to understand it is stuffd with virulent invectives agt. me ; and I shal always acknowledge yor. Lordps. great justice that it has hitherto made no impression to my prejudice, *etc. etc.* Their last request, is indeed extraordinary and calculated meerly for clamour. All the Instructions wch. relate to the Administration have been communicated to them. *Refers to Journal of Council, 5th July, 1710. Continues :—* I shal only add on this head, that as I have communicated more of my Instructions than any Governor that ever went before me, so I have often left the whole body of them on the Council Table for their inspection if they thought fitt, declaring that H.M. had given me no Instructions that were to be kept a secret. But if these Gentlemen are so very desirous to guide their judgments in Councill and Assembly according to H.M. Instructions, how came it to pass, that in the Assembly of 1714, they would re-enact a temporary law contrary to the express words of an Instruction then lying before them, and the next day declare their opinion in Council, that it was unfitt for me to pass ; as if H.M. Instructions were only binding to the Governor and not to the Council. After having answered the material parts of their letter, I humbly submit to yor. Lordps. whether their conclusion be consistent with the premises sett forth therein ? Whether the transmitting to yor. Lordps. such arguments for supporting their pretensions to be the sole Judges in pleas of the Crown, as were never insisted

1718.

on, or mentioned here, could be with a sincere design to keep up a good understanding between the Governor and Council? And whether their taxing me with subverting the fundamental Constitution of the Government, misrepresenting the Council to yor. Lordps. Board, arrogating to myself the sole praise of what belonged in a greater degree to them, and pressing them into new and inconvenient measures of Governmt. be without the least intent to accuse any person whatsoever? *etc.* As a Governor cannot be under a more afflicting circumstance, than to have to do with men who labour indefatigably to blast his reputation *etc.*, so it is still more aggravating when attempted in a clandestine manner *etc.* I have had a sufficient share of obloquy in anonymous letters sent to yor. Lordps. Board, and to other persons of honour with whom it was most necessary to blacken my character in order to accomplish the design of a party who by their success in removing former Governors are so far encouraged that they are resolved no one ever shall sit easy here, that doth not entirely submit to their dictates, and resign his duty, his reason and his honour to be governed by their maxims and interests. This is the case at present in Virginia, and is like to continue so, unless yor. Lordps. put a stop to the growing power of a party, to whom not any one particular Governor but Government itself is equally disagreeable. *Signed*, A. Spotswood. *Endorsed*, Recd. 28th July, Read 6th Aug., 1718. 18 pp. *Enclosed*,

456. i. Copy of Minutes of Council of Virginia, 12th March, 1717 (18). *Same endorsement. Copy.* 1 $\frac{1}{4}$ pp. [C.O. 5, 1318. Nos. 48, 48 i.; and (without enclosure) 5, 1365. pp. 82-117.]

March 20. **457.** Wm. Wood to Mr. Popple. Presses for a report upon the petition of John Beswick *etc.* *Signed*, Wm. Wood. *Endorsed*, Recd. 20th, Read 25th March, 1718. *Postmark.* $\frac{3}{4}$ p. [C.O. 137, 13. No. 1.]

March 21. **458.** Mr. Dummer to Mr. Popple. *Encloses following.* *Signed*, Jer. Dummer. *Endorsed*, Recd., Read 21st March, 17 $\frac{1}{8}$. 1 p. *Enclosed*,

458. i. Petition of Jeremiah Dummer, Agent for the Massachusetts Bay, to the Council of Trade and Plantations. Whereas several persons have petition'd H.M. for a grant of all the lands lying between the rivers of Kennebek and St. Croix to the Eastward of New England; and whereas it has been pleaded in behalfe of H.M. Province aforesd. that the sd. lands are already granted to the sd. Province, petitioner humbly proposes a division of these lands in the manner following: That the land from Kennebeck to ye River of Penobscot shall be annext both as to soil and Government to the Province of the Massachusetts Bay; and that the remainder of the land, vizt. the land between Penobscot and St. Croix be given back to the Crown to dispose of it as H.M. shall think fit. And accordingly

1718.

your Petitioner does in the name and behalfe of the sd. Province by vertue of particular instructions agree to this division. *Signed*, Jer. Dummer. $\frac{3}{4}$ p.

458. ii. Copy of Minutes of Council and Assembly of New Hampshire, Oct. 12, 1717. £20 sterl. voted for Agency to forward the resolution of a grievance against Mr. Bridger to be laid before H.M. (*v. No. 428*). 1 p. [*C.O. 5, 866. Nos. 143, 143 i., ii.; and (without enclosures) 5, 915. p. 105.*]

- March 22. **459.** Sir E. Northey to the Council of Trade and Plantations. *Reply to 10th March. Quotes Charter of Carolina and lease and release to Sir R. Montgomery (v. 8th and 9th June, 1717), and continues* :—I do not see anything in the said lease and release that may be prejudicial to the right of the Crown, if H.M. shall think fit to approve of a Govr. for life which is all that is desired of H.M. : But I am very doubtful whether the power of Governmt. granted to the Proprietors of Carolina for the Governmt. thereof can be divided, as proposed by the release, much less, whether the present Lords Proprietors alone can exempt the new intended Province from being lyable to the present laws of South Carolina, which were made for the whole Province and whether the erecting new Proprietary Governments will be for the publick benefit is submitted to your Lordships. But if the Proprietors will surrender their powers of Government to H.M. in the places intended to be erected into a new Province (which I think most proper) reserving to themselves the property of the lands there, they may lease the same on such terms, as they think fit, and H.M. may create a new Government on such terms as he shall think proper. And I do not observe if this new Province shall enact laws, that any provision is made for their being subject to the approbation of H.M., his heirs and successors. The reasons given by the Lords Proprietors of Carolina for settling the lands proposed to be granted, are good, and such settlemt. may be for the benefit of H.M. Plantation, if legally made and with proper powers : And therefore if the tract granted be sufficient for a separate Government there may be reason to encourage such settlement. *Signed*, Edw. Northey. *Endorsed*, Recd. 3rd, Read 4th April, 1718. $5\frac{1}{2}$ pp. [*C.O. 5, 1265. No. 95.*]

- March 25. **460.** Office expences of the Board of Trade, Dec. 25, 1717–March 25, 1718. [*C.O. 388, 77. Nos. 41, 43, 45.*]

- March 26. **461.** Mr. Popple to Sir W. Thompson, Solicitor-General. Whitehall. Encloses, for his opinion thereon, two Acts of Nevis, 1717, *for the good government of negroes and other slaves, and for laying a duty upon French sugars, rum and molosses imported etc.* [*C.O. 153, 13. p. 269.*]

- March 27. **462.** Stephen Brown to the Council of Trade and Plantations. Objections urged against the Act of Antigua to *prevent the increase of Papists etc.* (*v. Jan. 4th*). *Signed*, Ste. Brown. *Endorsed*,

1718.

Reed. 27th March, Read 8th April, 1718. $1\frac{1}{2}$ pp. [C.O. 152, 12. No. 73.]

March 27.
Whitehall.

463. Mr. Popple to Mr. Solicitor General. *Encloses* copy of Col. Rhett's letter, 20th March. *Continues*:—The Council of Trade and Plantations command me to observe that by ye Charters of Carolina to the Proprietors, to make laws with the assent and approbation of the freemen there inhabiting: provided the said Laws be consonant to reason, and as near as may be conveniently, agreeable to the laws and customs of England. Whereupon, I am to desire your opinion whether the laws complain'd of by Col. Rhett come within the meaning of the abovesaid genl. words, so as to be in anyways contrary to the powers granted to the Proprietors by their Charter and what H.M. may do to remedy the inconveniencies of such laws, and prevent the like for the future, *etc.* [C.O. 5, 1293. p. 142.]

March 27.

464 Governor Phillipps to Mr. Popple. *Refers* to a letter which he has not received. "I am now better and will not faile t attend the Board," *etc.* Signed, R. Phillipps. *Endorsed*, Reed., Read 27th March, 1718. 1 p. [C.O. 217, 2. No. 45.]

March 27.
Whitehall.

465. Mr. Popple to Lt. Governor Bennett. *Acknowledges* letters of 30th July, neither of which require any particular answer. The Council of Trade and Plantations desire you to send them annually an account of the imports from the Maderas and Western Islands and for 3 years past *etc. in same terms as to other Governors, v. No. 408. P.S.* Since the signing of this the Board have reed. your letter of 3rd Feb., and have laid before H.M. what you write concerning the coming in of the pirates, upon which their Lordps. will write to you more fully themselves. [C.O. 38, 7. pp. 335, 336.]

March 27.
Whitehall.

466. Council of Trade and Plantations to Mr. Secretary Craggs. By the enclosed from Mr. Bennett Governor of Bermuda you will perceive the good effect H.M. gracious promise of pardon to the pirates has had, and that the most considerable of them have resolved to lay hold of this opportunity to surrender themselves, which we thought fit to acquaint you of without loss of time. But upon this occasion we must observe to you that as H.M. in his Proclamation dos not actually pardon the pirates that shall surrender themselves, but only promises they shall be pardoned, it will be absolutely necessary that sufficient powers under the Great Seal should be forthwith dispatched to the several Governments of the Plantations, to authorize them to pardon such pirates as shall come in upon ye faith of H.M. Proclamation; upon which subject we did make a representation to the Lords of H.M. Council on 20th Feb. last, a copy whereof is hereunto annexd. [C.O. 38, 7. pp. 338, 339.]

1718.

March 28. **467.** Mr. Popple to Mr. Burchett. Encloses extract of Lt. Governor Bennett's letter *as preceding*, for the information of the Lords Commrs. of the Admiralty. [C.O. 38, 7. pp. 339, 340.]
Whitehall.

March 28. **468.** *Same* to Mr. Solicitor-General. The Governors of New York have for many years past granted licences to fish for whales *etc.*; But a person of that Province having lately refused to take out such a licence, has complained of the present Governor for putting a restriction upon that trade. The Council of Trade and Plantations therefore desire your opinion whether by the Act of the 2nd and 3rd of Edward VI, cap. 6th, or the Act of 25 K.C. II. *for the encouragement of the Greenland Trade* or by any other Act relating to the Fishery, H.M. subjects may fish for whales at New York without licence. [C.O. 5, 1124. p. 12.]
Whitehall.

March 28. **469** John Baskett to the Council of Trade and Plantations. In obedience to yor. Lordships command, I have made the nearest computation of the charge of printing the Plantation Laws; and find it cannot be done for less than five farthings pr. sheet; if yor. Lordships will be pleas'd to consider, that what is printed for H.M. service at a penny pr. sheet, are H.M. Speeches, Acts of Parliament, and Proclamations, wch. paper bears but little more than half the price of that, on wch. those laws must be printed *etc.* Signed, John Baskett. *Endorsed*, Recd. 28th March, Read 1st April, 1718. 1 p. [C.O. 323, 7. No. 126.]

March 28. **470.** Stephen Brown to the Council of Trade and Plantations. *Prays* for a speedy order for the relief of the Popish inhabitants of Antigua, who now lye under all the disabilitys and hardships expressed in the Act *to prevent the increase of Papists* and with utmost impatience expect your Lordships determination in this affair *etc.* (v. March 27, and 4th Jan.) Signed, Ste. Brown. *Endorsed*, Recd. 28th March, Read 8th April, 1718. $\frac{1}{2}$ p. [C.O. 152, 12. No. 74.]

March 28. **471.** Council of Trade and Plantations to Governor Lowther. *Acknowledge* letter *etc.* of 20th July. The publick papers enclosed we find to have been kept in good order: But for the future we must desire that in addition to your general accounts of exports and imports, you would add a very particular one of the state of the trade between Barbados and the Maderas and Western Islands; for the reasons mentioned in a circular letter *etc.* We are very much concerned that H.M. subjects in the West Indies have been so great sufferers by the depredations of the pirates, but all possible care has been used on this side to cure so great an evil, H.M. having been graciously pleased to issue a Proclamation of free pardon to such as shall surrender themselves within the time prefixed, which we understand has had a very good effect, and to dislodge such of them as shall prove obstinate from their old retreat at the Bahama Islands, a regular Government and force is now established there under the care of Captain Rogers who will shortly set out for that place, attended by a

1718.

competent number of men of war to destroy the remainder of these common enemies to mankind. The Act for trying of pirates in the West Indies has been revived and proper commissions for the execution of it are now passing the seals in order to be sent to the several Govrs. of the Plantations. That for Barbado's may probably accompany this letter. We have considered of what you propose relating to an alteration in the Act *for the encouragement of the trade to America*, which relates to the impressing of seamen in the West Indies and tho we are convinced by the instances you have given, that great inconveniences do attend that law, yet undoubtedly the same were weighed at the passing of that Act, and much clamour would certainly attend any attempt to repeal it. However we have laid an extract of that part of your letter before H.M. Council and when any resolution shall be taken thereupon, we will acquaint you with it. Meantime we must commend your zeal for the publick in having as far as in you laid, obviated the difficulties the service layd under from this Act by fitting out the man of war upon your station to cruise with such success upon the pirates. We observe with much satisfaction from the Minutes of your Council and Assembly the great harmony and good understanding there is between you and H.M. subjects in Barbado's of which the great presents the Assembly have made you for the two last years are convincing proofs, but they are proofs of such a nature as are directly contrary to your Instructions, and therefore we must admonish you not to break in upon H.M. Order in this particular for the future. We have perused the several laws past in your Island since H.M. accession, and our Secry. has directions to send you an account of what has been done upon them *etc.* [C.O. 29, 13. pp. 454-457.]

March 28. **472.** Mr. Solicitor General to Mr. Popple. Has no objection to Acts of Nevis *for the good government of negroes and for laying a duty on French sugars etc.* Signed, Wm. Thomson. *Endorsed*, Recd. 28th March, Read 16th May, 1718. $\frac{3}{4}$ p. [C.O. 152, 12. No. 82; and 153, 13. pp. 293, 294.]

March 29. **473.** Mr. Popple to Mr. Burchett. Encloses extract of letter from Governor Lowther (20th July, 1717), to be laid before the Lords Commissioners of the Admiralty. [C.O. 29, 13. p. 458.]

March 29. **474.** Lt. Governor Bennett to the Council of Trade and Bermuda. Plantations. *Encloses duplicate of 16th Feb. Continues:—*Only four [*more pirates from Providence*] have come in. More intended by what they say but were afraid of bringing their effects with them for fear of being seized, and doe declare they will never surrender without the assurance of enjoying what they have gotten, for otherwise say they we have ventured our necks for nothing *etc.* This notion of the pirates I fear will occasion many of them going out again if speedy care be not taken, therefore intreat yr. Lordps.' directions therein. Those that

1718.

have surrendered to me (being but twenty) brought not their effects with them but left all att Providence, but if liberty be given to bring them hither some will settle here. Pardon me my Lord if any pirates should arrive here in order to surrender and bring their effects with them, I should not directly seize their goods till I received orders soe to doe ; presumeing on my construction of H.M. Proclamation that as upon surrender their crimes are remitted, *etc.*, their effects are not seizeable but subject to the King's duties *etc.* My Lords I am endeavouring all I can to answer with satisfaction yr. Lordps.' duplicates of letters (the originals not comeing to my hands) dated 4th Aug., 1715, and 30th May, 1716, but I meet with soe many difficulties and obstructions occasioned by my predicessour in his time of Govermt., that I must intreat yr. Lordps.' patience, and beg leave to assure that noe care has been wanting in me since I was restored to the Govermt. to put the fortifications and militia in a condition for the defence of the country therefore humbly hope that reflection makes noe impression. Having proceed thus far *etc.* a sloop arrived from Providence in [*which*] came eight surrenderers *etc.*, but none brought any effects for fear of seizure *etc.* They left att Providence the *Phenex* man of war Capt. Pierce Comander who had been there three weeks, and by his prudent managemt. and conduct had occasioned a great m[an]y of the pirates to surrender upon which he gives them certificates of their soe doeing, they all tell me that there is not above 200 men (I mean pirates) att Providence and Harbour Island who are all very quiet and respectful to Capt. Pierce, and therefore hope will come in *etc.* Signed, Ben. Bennett. Endorsed, Recd., Read 15th May, 1718. Holograph. 2 pp. [C.O. 37, 10. No. 9 ; and (abstract) 37, 24. No. 6.]

April 1. **475.** Mr. Popple to Sir Edwd. Northey. Enquires for report
Whitehall. on Sir R. Montgomery's business, asks for return of the Carolina Charter and replies to No. 451 *etc.* [C.O. 5, 1293. p. 143.]

April 1. **476.** Questions to Mr. Barwick. Suggesting that he had
embezzled sums from the casual revenue of Barbados. *No signature. Inscribed,* This paper given to Mr. Horatio Walpool. 4 pp. [C.O. 28, 15. No. 50.]

[April 1.] **477.** Nathaniel Wickham, Dor. in Phisick, to the Council
of Trade and Plantations. *Prays that* the suspension of Thomas Morris may not be confirmed before petitioner with the depositions which have already arrived has been heard on his behalf *etc.* (v. 8th Feb.) Signed, N. Wickham. Endorsed, Recd. 1st, Read 3rd April, 1718. 1 p. [C.O. 152, 12. No. 72.]

April 1. **478.** Mr. Solicitor-General to Mr. Popple. *Reply to* March
28th. If the oyle or produce of such whales is to be imported into England, *etc.* it is particularly allowed of and provided for by the 25th of Car. 2nd cap. the 7th, and though there are general words giving a liberty to all H.M. subjects of England and Wales

1718.

to use and exercise all other trades to and from Greenland and those parts and to import (generally) the oyle *etc.* in English shippes yett this Act seemes to mean the importacon to England onely and to have it take in this practice of fishing and importing it to New York would be a construcon not to be warranted unless by a very favourable regard to the fishing trade it should be so extended the 2nd and 3rd of Edward the 6th cap. 6th makes the pretended licenses granted by the Admiral or any officer under the Admirall penal, and this Act relates only to voyages from England *etc.* so that if licenses for whale fishing paying such reasonable proportion as the 20th part on importacon are warranted at New York by any Act of Assembly there or other authentick order of the Governour and Counsel it may be binding to the inhabitants there but I do not apprehend that it will be binding to other H.M. subjects. *Signed*, Wm. Thomson. *Endorsed*, Recd., Read April 1st, 1718. $1\frac{1}{2}$ pp. [C.O. 5, 1051. No. 61; and 5, 1124. pp. 13, 14.]

April 1. **479.** Copy of Governor Hunter's Commission of Vice-Admiralty, 26th Aug., 1715. *Endorsed*, Recd. 7th March, Read 1st April, 1718. *Latin*. 11 pp. [C.O. 5, 1051. No. 63.]

April 2. **480.** Council of Trade and Plantations to Mr. Secretary Craggs. *Representation upon* the petitions of Anne Low, John Boreland, John Plowman and Robert Shardo. Mrs. Low having quited her pretensions to a Patent for [*the sole curing of sturgeon in North America*], we shall represent to H.M. onely what appears to us upon the two latter petitions. *Quote petitions and evidence, v. Jan. 23 etc.* It appeared to us that Mr. Boreland hath engaged himself in the trade of catching and curing sturgeon in New England, *etc.* He hath not yet imported any, but is in expectation of having some very soon. Plowman and Shard did not make appear to us the pains and expence they had been at as set forth in their petition, but alledged that they had already received from New England one cagg of sturgeon cured after the new manner from a person employed by them, and that this was as good as any that comes from Hamburgh or the East Country. It appear'd to us that this sturgeon was in a New England cask, but we had some reason to suspect it was put into that cask at Hamburgh or elsewhere, not at New England, they also did not prove to us that any person was or had been employed by them in New England in catching and curing of sturgeon. *Quote Memorial of Jan. 23.* Upon the whole, since the sturgeon of North America as cured at present is allowed to be of little or no value, but if well cured, might be equal in goodness with that of Hamburgh or of the East Country, and that the importing the same from our own Plantations will be of advantage to Great Britain, we are of opinion that H.M. may be graciously pleased to grant a Patent to some person, the better to enable him to carry on this trade and bring it to perfection. Mr. Boreland desires a Patent onely for eight years, and will be contented to have it determine in four, if within that time he

1718.

does not import sturgeon from North America, as good as what comes from Hamburgh, and the East Country, and as he has been the first undertaker, and hath been at an expence to discover the true method of curing sturgeon, and seems best prepared to carry on this trade, we have no objection why H.M. may not be graciously pleased to grant him a patent for the sole importing of cured sturgeon from North America into Great Britain for the term of eight years, revokable at the end of the first four years, or within 3 months after, absolutely at H.M. will and pleasure ; H.M. at the same time declaring his intention to make use of the said power of revocation only in case that Boreland shall not within the said four years import sturgeon from North America as good as that from Hamburgh or the East Country. This we desire you will lay before H.M. *etc.* *Autograph signatures.* 6 pp. [C.O. 5, 4. No. 20 ; and 5, 915. pp. 105–111.]

April 2. **481.** Col. Joseph Jory to Mr. Popple. Refers to Solicitor Bethnall Green. General's report upon two Acts of Nevis (*v.* 28th March), and prays that they may be confirmed. *Signed*, Jos. Jory. *Endorsed*, Recd 3rd April, Read 16th May, 1718. *Addressed.* $\frac{1}{4}$ p. [C.O. 152, 12. No. 83.]

April 3. **482.** Mr. Popple to Lord A. Hamilton. *Returns several papers relating to Jamaica. Continues* :—As to your Lordp's. desire of having a copy of ye Representation of this Board upon ye petition of Mr. Diharce, I spoke to the Board of it again, and they think they cannot breake ye rule that has always been observ'd here, that is not to give any copies of their reports before H.M. pleasure be known upon them, however they are willing your Lordship should have a sight of it, if your Lordship desires it. [C.O. 138, 16. pp. 103, 104.]

April 3. **483.** Copy of a Commission for trying pirates at Jamaica. Westminster. *Countersigned*, Wrighte. *Endorsed*, Recd. April 29th, 1718, Primer'd May 5, 1719. 9 pp. [C.O. 137, 13. No. 25 ; and 138, 16. pp. 169–179.]

April 3. **484.** Council of Trade and Plantations to the Earl of Sunderland. *Refer to application to the Lord Chamberlain for two additional rooms (sic. v. 9th Jan.). Conclude* :—But having since consider'd that this would be a work both of time and expence, and being dayly sencible of ye great confusion our papers are in for want of room, to dispose them in proper order, we must entreat your Lordship to move H.M., that we may have those lodgings joining to our Office, at prest. in the possession of one Mr. Colledge, who may easily be accomodated elsewhere *etc.* [C.O. 389, 37. pp. 148, 149.]

April 3. **485.** Council of Trade and Plantations to Mr. Secretary Whitehall. *Craggs.* *Enclose extract of Lt. Governor Bennett's letter of 16th Feb. and remind him of what they wrote 27th March.* [C.O. 38, 7. pp. 340, 341.]

1718.

April 3.
Whitehall.

486. Mr. Popple to Richd. Shelton. *Encloses* extract from Lt. Governor Bennett's letter, 16th Feb., relating to the apprehension of a new invasion of Carolina. *Continues* :—The Council of Trade and Plantations desire to know what their Lordships [*the Proprietors*] have done or intend to do towards the security of that Province. [*C.O.* 5, 1293. p. 144.]

April 4.
Whitehall.

487. Council of Trade and Plantations to Governor Hamilton. *Acknowledge* letters of 7th Oct., 1717, and 6th Jan., 1718. *Continue* :—We take notice of what you write, in relation to your dismissing Mr. Crooke, and are willing to believe you had good reasons for so doing ; the affidavits you have sent us upon that subject, will be of use if any complaint should be offered in behalf of Mr. Crooke. We thank you for the account you give us of the Virgin Islands ; What you propose about settling at St. Cruz all the poor people who are now dispersed in those Islands might be right, if it was not intended to settle them in the French part of St. Christophers where they will be more to their own advantage and be much more usefull to the publick. We have expressed our thoughts on this head so fully and so strongly in several former lrs. to you, that we need only refer you to those letters, and earnestly to recommend to you to observe the directions contained in them ; You will therefore use your best endeavours to dispose the inhabitants of Spanish Town and of Tortola, who have petitioned you for leave to settle on St. Cruz to wait patiently where they are, till they can be settled on St. Christophers, which we hope may be soon. We shall expect to hear what answer the Danish Governor of St. Thomas gave to the message you sent him by Capt. Marshall. *Refer to their references of request for man of war* (v. 6th Jan. and 11th March). *Continue* :—But tho' what you desired, might then seem to us very proper, we hope it will not be necessary now, since we have been informed that some of the chief, as well as others, of the pirates, which were on the Island of Providence have surrendered themselves upon H.M. promise of pardon, and that there was reason to expect the rest of the pirates in those parts would soon follow that good example. We have lately had under our consideration, an Act passed at Antigua in June, 1716, *to prohibit the importation of foreign sugars etc.* ; We do not find that any other of H.M. Plantations has gone so far as absolutely to prohibit, tho' some of them have laid duties on the importation of such foreign commodities, and some reasons have been offered to us to show that such a prohibition may be attended with ill consequences ; However we have been willing to suspend our final judgment concerning this Act, till we receive from you a particular account, which we desire to have as soon as possible, how far such an Act was really necessary, as is set forth in the preamble of it, and what effect it has hitherto had. But should the reasons in general for such an Act be never so strong, yet the present Act is not fit to be continued, upon account of some objections against it contained in the inclosed paper, and therefore if the Assembly of Antegoa persist in their reasons for prohibiting

1718.

all the aforesaid foreign commodities, you must recommend to them to pass another Act for that purpose, not liable to such objections, otherwise we shall lay this Act before H.M. to be repealed. We think it proper on this occasion to remind you of that part of your Instructions, whereby you are directed to send us your observations upon all the Acts you transmit to us, and your reasons for passing such Acts, the neglecting to do it may be very prejudicial to H.M. service, as well as to the Islands under your Governmt., and therefore we hope you will be very carefull and exact in the doing it for the future ; The Agent for Nevis has brought us two Acts lately passed in that Island, *for laying a duty on French sugars etc.*, and *for the good government of negroes etc.* ; but we have no account from you concerning them. We have received your letter of 8th Feb., and shall answer it by the next opportunity. [C.O. 153, 13. pp. 278-282.]

April 4.
Whitehall.

488. Mr. Popple to Governor Sir Nicholas Lawes. *In reply to March 7th*, their Lordships do expect upon your arrival in Jamaica you would get ye best information you can in relation to the Act for ye effectual discovery of all persons that are disaffected to H.M. etc. and let their Lordps. have your thoughts thereupon as fully as may be, in order to their laying the same before H.M. for his pleasure thereupon, the Act remaining at present in suspense. *Encloses Orders in Council of 9th Feb. confirming 4 and repealing 9 Acts of Jamaica*, which their Lordships desire you would have publish'd and enter'd in the Council Books in the usual form. In answer to what you mention about ye Act which provides for paying people's passages to Jamaica etc., I am commanded to acquaint you that the first objections their Lordps. had against the Acts for ye encouragement of white people were contain'd in ye memorial you presented ye 29th Augt. last ; those objections appeared to their Lordps. so strong that they thought fitt to lay the said laws before H.M. for his disallowance ; their Lordps. conceive that the Acts of 1703 and 1712 being still in force the repeal of this Act cannot be of yt. consequence which you seem to apprehend. However should the two above-mention'd Acts appear not to be sufficient for ye encouragement of white people, it will be right for you to endeavour to get a new Law past not liable to the objections made to these, which have been repealed. But then you must take care that no temporary Law do repeal a perpetual one and particularly that no Act repeal a perpetual Act confirmed, without H.M. leave, or a clause declaring the said Act not to be in force till H.M. pleasure be known. What you write in relation to the fees demanded in the Council Office is not properly before my Lords Commrs. for Trade and Plantations and tho their Lordps. have received ye Orders here inclosed the Council Office will expect their legal fees from ye Island. However they observe from this ye necessity there is of having an Agent or Agents sufficiently instructed and empower'd to transact ye business here for Jamaica, as is done in ye other Plantns., but even in this case you must take care yt. such Agent or Agents be not dependant wholly

1718.

upon ye Assembly but upon ye Govr., Council and Assembly, their Lordps. do think ye appointing of an Agent so necessary yt. they do recommend it to you. [*C.O.* 138, 16. *pp.* 105-110.]

April 5. **489.** Mr. Solicitor General to Mr. Popple. *Reply to 26th (= 27th) March.* As the Lawe menconed by Coll. Rhett (20th March) laying a duty of 10 p.c. upon British goods seemes very extravagant and may be reasonably supposed to be attended with the consequences he mentions I think it may be truly said not to be consonant to reason and as this duty is so heavy it may prove to be such a burthen to trade as to be in effect a prohibition of it to the British subjects which is by no means agreeable to the Laws of Britain. I therefore humbly apprehend that the power of making lawes by the Charter to the Proprietors is in this instance exceeded. It would be too tedious and too expensive for every particular trader to contest the payment of the duty there upon the supposed invalidity of the Act as being unreasonable and if determined against them there to appeal to the King in Council. But if the merchants find themselves aggrieved I presume they will complaine and then upon a petition to the King the Proprietors will be heard and if they do not consent to remedy the grievances a prosecucon may be ordered against them and their Charter. Nor will the complaint be improper in Parliament. *Signed,* Wm. Thomson. *Endorsed,* Recd. 7th, Read 8th April, 1718. $1\frac{1}{2}$ *pp.* [*C.O.* 5, 1265. *No.* 96.]

April 9. **490.** Mr. Secretary Craggs to the Governor of Barbadoes. H.M. Whitehall. having receiv'd information, that John Brinsden of Speights Town in the Island of Barbadoes has been killd in a duel by Joseph Milles of the same town, has commanded me to signifie His pleasure to you, that in case the said Joseph Milles hath been, or shall be upon his tryal found guilty of the murther of the said Brinsden, you do suspend the execution of the sentence, that hath been or shall be passed upon him for the same untill you shall have given H.M. an account how the fact appeared upon the said Milles's trial, and thereupon receive H.M. further directions in that matter. *Signed,* J. Craggs. [*C.O.* 324, 33. *p.* 163.]

April 9. **491.** The case for Thomas Morris (*v.* 1st April and 8th Feb.). *No signature.* *Endorsed,* Recd., Read 9th April, 1718. $1\frac{1}{2}$ *pp.* [*C.O.* 152, 12. *No.* 76.]

[April 9.] **492.** James Blew to the Council of Trade and Plantations. Caveat against an Act of New York, Dec., 1717, for *paying several debts due from this Collony.* The merchants of London trading to New York desire to be heard, in behalf of themselves and their friends residing in the said Colony, against the said bill *etc.* *Signed,* James Blew. *Endorsed,* Recd. 9th, Read 22nd April, 1718. 1 *p.* [*C.O.* 5, 1051. *No.* 65.]

April 9. **493.** Council of Trade and Plantations to the King. *Reply* Whitehall. to 9th Feb. We have discoursed with Sir Robert Montgomery

1718.

and have seen a lease and release from the Lords Proprietors [of Carolina] to Sr. Robert. *Quote opinion of Sir E. Northey, late Attorney General, thereupon, v. 22nd March. Continue:—* Upon which we take leave to represent to your Majesty, that we do believe the proposed settlement, would be of advantage to Carolina and might defend ye Plantatns. on that Continent against the incursions of the Indians. But as we find great inconveniencies have arisen and daily do arise from the Proprietary and Charter Governmts. in America, and particularly in that, several of them are not obliged to lay their laws before your Majesty for your Royal approbation or disallowance by which means several laws have been made in Proprietary Governmts. prejudicial to the trading intrest of this Kingdom, and of the other Plantations under your Majesty's immediate Govt., we would humbly propose that the Lords Proprietors of Carolina should surrender their powers of Govt. to your Majty. in the places intended to be erected into a new Province, reserving to themselves ye property of the lands there only, and then your Majty. may constitute such a form of Governmt. there, as to your great wisdom shall seem most convenient and appoint the said Robt. Montgomery to be Govr. thereof during good behavior, he being a person of a very fair character, well affected to your Majesty's Govt. and as we are informed every way qualify'd for such an undertaking. [C.O. 5, 1293. pp. 145–147.]

April 10.
Antigua.

494. Governor Hamilton to the Council of Trade and Plantations. *Begins with duplicate of 15th March. Continues:—* Since the foregoing I returned to this Island where soon after my arrival I received a letter from one Mr. John Phillip a subject of our Royal Master but at present an inhabitant upon the Island of St. Thomas, giving me an account that the Danish Governour of that Island has begun a settlement upon the Island of St. John, notwithstanding I had forbid him when I was to visit the Virgin Islands either to settle or so much as to cut timber off of any the Islands belonging to the King of Great Brittain; Upon which I called the Council of this Island to advise with. *Refers to enclosures. Continues:—* Shall inform your Lordships with their answers by first opportunity for H.M. commands etc. Should the Danes persist, it would not be very difficult to rout them out of St. Thomas itself etc. *Signed, W. Hamilton. Endorsed, Recd. 25th, Read 26th June, 1718. 2 large pp. Enclosed,*

494. i. Minutes of Council of Antigua, 31st March, 1718. H. E. communicated to the Council a letter he had received from Mr. John Philips, dated at Saint Thomas 29th Mart, N.S., 1718, informing H.E. of the Novo Danish Settlement upon the Island of Saint Johns, and that publication for settling the same was published on the 23rd of Mart. and that upon the 24th the Governour set out for Saint Johns, with one sloop, and three two-mast boats with about 20 of the inhabitants 8 soldiers and 24 negroes and that upon the 25th he took possession of it, hoisted the Danish flag and fixed sundry great

1718.

guns, and upon the 27th returned, and all the people save the soldiers and negroes who are actually there at present, and imployed in building a fort there. 8 *Articles of the Settlement* included the provisions that all servants or overseers shall not be English or Spaniards unless naturalized Danish, or have been in the Danish service some years, and that they obey Axen Dalle or his successor as their Commander, *etc.* That the people inquired of the Governour against whom they were to defend the Island, that they told him in case H.E. should send down a sloop, and take their negroes from them who would repay their loss, they knowing the English pretention to Saint Johns, that he answered them that he had the Company's order to settle it, and he would settle it for the Company if they would not, and that the English had always alledged the Island of Saint Thomas but that there was nothing in it, that the people were all afraid until they should know H.E.'s resolution. The which being considered H.E. also communicated several paragraphs of his Instructions relating to Saint Thomas and other the Virgin Islands and desired the opinion of the Lt. Governor and Council who were unanimously of opinion that H.E. should immediately dispatch some vessel with a message in writing by one of the Officers of H.M. troops to the Governour in Saint Thomas in which he should assert H.M. right to the Island of Saint Johns, and therein acquaint him of the information he has of the Settlement that is now making thereon by the Danes, and to forbid their settling on that Island as belonging to the King of Great Britain, and that in case they persist therein that he would proceed according to his Instructions relating thereto in order to preserve the said Island for H.M. and obstruct their Settlement, and that H.E. would be pleased to acquaint the Secretary of State and the Lords of Trade with his proceedings therein. *A true copy. Signed, Cha. Hedges. Same endorsement. 2½ pp.*

494. ii. Governor Hamilton to the Governour in St. Thomas. Antigua, April 5th, 1718. Being informed that you have taken possession of the Island of St. Johns one of the Virgin Islands on behalf of H.M. the King of Denmark, and that you had there hoisted his flag, and are now erecting a fortification thereon in order to settle the same for H.M. the said King, I send this by Captain Hume of H.M.S. the *Scarborough* to make known to you that the said Island of Saint Johns, with all other the Virgin Islands is the right of my Royal Master the King of Great Britain, on whose behalf the said Capt. Hume will acquaint you that you are not on any terms to proceed on the settling of the said Island, which I assure myself you will not refuse to comply with for you cannot but know that the King of Denmarke has no

1718.

- good title even to St. Thomas itself; so that if you insist on settling or keeping possession of the said Island of St. Johns for H.M. of Denmarke it will oblige me to take such other measures as are agreeable to my Instructions in order to obstruct your Settlement, and to preserve the sovereignty of that and the other Islands within my Government for my said Royal Master. *Signed, W. Hamilton. Same endorsement. Copy. 1 p.*
494. iii. Governor Hamilton to the Governour of Porto Rico. Antigua, April 5th, 1718. The attacking and killing some as well as the taking seizing and carying away others of the subjects of the King my Master with their goods and effects from Crabb Island with an armed force from the Island under your command is so contrary to the faith and good friendship, which ought to be observed between the Crown of Great Britain and Spain in this time of peace and tranquillity, that I cannot but be highly surprised at the attempt, and therefore I do by this in the name of my Royal Master the King of Great Britain demand that all and every of his subjects, which were seized taken and carryed away from Crabb Island be immediately released and set at liberty, and that all the negroes goods and effects of what kind soever, which were then taken from them or any of the subjects of the said King my Master be immediately restored to such of them as are now in your Government, and that they be permitted to come and bring them away without further let or molestation, and that the negroes goods and effects of those that are absent be delivered to the bearer Captain Hume of H.M.S. the *Scarborough* whom I have appointed and directed to demand and receive them in order to their being brought and delivered to the Proprietors. I persuade myself that you cannot doubt but that Crabb Island is unquestionably the right and title of the King my Master, and therefore I have reason to hope that you will not fail to do the justice I have now demanded on behalf of his subjects *etc.* *Signed, W. Hamilton. Same endorsement. Copy. 1½ pp. [C.O. 152, 12. Nos. 96, 96 i.-iii.; and (without enclosures) 153, 13. pp. 329, 330.]*

- April 12. 495. Mr. Carkesse to Mr. Popple. Encloses following to Custom House, be laid before the Council of Trade and Plantations. *Cf. Dec. 24, 1717. Signed, Cha. Carkesse. Endorsed, Recd. 12th, Read 22nd April, 1718. Addressed. ¾ p. Enclosed,*
495. i. Extract of letter from Mr. Dunbar, Surveyor-General of H.M. Customs in Barbados, Leeward Islands *etc.* to the Commissioners of Customs. Antigua, Dec. 20th, 1717. *Prays for directions in the matter of the Act of Antigua prohibiting the importation of foreign sugars, especially the growth of French colonies etc.* As a Member of the Assembly, he describes the arguments for and

1718.

against it :—It was warmly recd. by some—the Gentlemen Planters—and as violently opposed by others, those concerned in trade or well-wishers to it. The Planters urged that the importation of sugar lowered the price on this Island and overstocked the market in England and consequently sunk the price of it there, that by an open trade with the French Islands we supplyd them with provisions and negroes and by that means assisted our great rivals in the making of sugar to fix and extend their settlemts. which in the process of time woud tend to a manifest injury of all the British sugar Colonies. The traders replyd that the credit of this Island had been long ruind by keeping up here the price of sugars above their real value, that it could avail no man to sell off his sugars at a fourth part more than they were worth, when whatever was purchased with them was rais'd by the trader 25 p. cent on that very account, that the French commonly govern'd themselves nearer the market in Europe with respect to the difference of excha. which certainly ought to be the standerd of ours, and therefore the price of sugar was sunk no lower than it should be and the importation of other sugars could be no injury to any one person, but on the contrary a free trade was a very great advantage to Britain in general and to this Island in particular, for first it consumes many of our British manufacturys, secondly it encourages trade and navigation to English subjects, thirdly it makes this Island a good mart for negroes, provisions and other goods necessary for the support of the Collonies and consequently we have not only the first choice of any of these but that too on the easiest terms ; 4th the concourse of ships which this draws to us makes the freight low of our sugars home an advantage of itself sufficient to weigh down much greater inconveniencys than that of lowering the price of our sugars here, which in truth is rather an imaginary than real injury. That as to the over stocking the market in England, it is not the consumption at home but the demands from abroad that keep up the market. Britain alone consumes but a smal part of the produce of these Colonies, and the rise of sugars always depends upon the encouragemt. there is for the exportation of it and while Britain continues the chief mart of Europe for that great and staple comodity whereon foreign markets have often their dependance there can sure be no danger of overstocking the market which hitherto has risen in proportion the better it was stockd. As to our supplying our great Rival *etc.*, we supply them now only in part, and if we frowardly throw that part out of our hands, the Dutch stand ready to take it into theirs, and would bless and greedily grasp the occasion that opend their way

1718.

to a branch of trade they have long secretly envied us *etc.* The Bill strips H.M. Revenue of the duty of $4\frac{1}{2}$ p.c. on the exportation here and that on the importation in England. It is repugnant to the 5th and 6th Articles of the Treaty of Commerce, 1686, whereby vessels of either Crown in case of want or disaster are permitted to refit *etc.*, whereas this Act strictly forbids all French vessels let their wants and necessities be never so urgent so much as to approach any creek bay or harbour or presume to anchor in or about this Island on any pretence whatsoever *etc.* What regard Officers of the Customs ought to have to an Act that directly opposes a publick Treaty, I am ignorant of *etc.* $3\frac{3}{4}$ pp. [*C.O.* 152, 12. Nos. 77, 77 i.; and (without enclosure) 153, 13. pp. 283, 284.]

April 21.
Whitehall.

496. Earl Stanhope to the Council of Trade and Plantations. The King approves of proposal of 3rd March, *etc.*, and signifies his pleasure that Richard West Esqr. one of his Council at Law be the person whom you shall consult upon all matters of law, which you do not conceive to be of that importance as to require the opinion of His Attorney or Solicitor General. *Signed*, Stanhope. *Endorsed*, Recd., Read 23rd April, 1718. $1\frac{1}{2}$ pp. [*C.O.* 388, 77. No. 39.]

April 23.

497. Representation of the Marquis de Wignacourt and others to the Council of Trade and Plantations. Shewing H.M. past right and title to the land unjustly claim'd by the Massachusetts, between Main and Nova Scotia, 190 miles in length and in breadth; And if settled under H.M. Government (as is propos'd to be) the Quit-rent thereof will be worth to the Crown more than 90,000*l.* sterling per annum, besides supplying H.M. with Naval Stores *etc.* *Signed*, Le Marquis de Wignacourt Franconville, William Birkhead, J. de la Menardiere, Du Jary, Daniel Pelisson. *Endorsed*, Recd., Read 23rd April, 1718. *Printed.* $3\frac{1}{2}$ large folio pp. [*C.O.* 5, 866. No. 145.]

April 23.
Whitehall.

498. Mr. Popple to Sir Wm. Thomson. *Encloses preceding. Continues* :—The Council of Trade and Plantations desire you to consider the same with all convenient dispatch; and to let them know whether you have anything to add to your former report on this matter. [*C.O.* 5, 915. p. 114.]

April 23.
Whitehall.

499. Order of Council. Referring following to the Council of Trade and Plantations for their report. *Signed*, Robert Hales. *Endorsed*, Recd. 2nd, Read 6th May, 1718. 1 p. *Enclosed*,

499. i. Petition of Merchants trading to New York, in behalf of themselves and others inhabiting in the said Province, to the King. *Pray* that the Governor of New York may be directed to stay all proceedings on the Act for paying several debts (*v.* April, 9th) and to transmit the

1718.

same forthwith for H.M. consideration *etc.* The Act is looked upon as a very great hardship, providing for several old demands which were disallowed by former Assemblys when large sums were granted for the defraying the publick debts and time sufficient allowed for all claims to be brought in which accordingly were done and the same adjusted to June 1st, 1714, and provision made to prevent the Colony from being in debt for the future. Yet this Act grants large sums unto the Governor Council and Assembly in an unwarrantable manner, which summs and to whom granted is set forth in the body of the bill. The proceedings on the said bill in the Assembly was not printed as usuall (altho a printer is paid by the publick for those purposes) so that the carrying on the same could not be fully transmitted to us *etc.* Signed, Thomas Pitt and 19 others. Copy. 2 pp. [C.O. 5, 1051. Nos. 66, 66 i.; and (without enclosure) 5, 1124. p. 23.]

April 23.
Whitehall.

500. Council of Trade and Plantations to Governor Hunter. *Acknowledge* letter of 27th [? 20th] Janry. last and inform him of following. *Enclose* order of 20th March. "Our Secry. will acquaint you more particularly with the state of that matter." *Enclose* Solicitor General's opinion, April 1st. *Refer to* opinion of Sir Edwd. Northy late Attorney General upon the Act for the better settlement of lands *etc.* (March 12th), *etc.* *Continue* :— Therefore we do not think it proper at present to lay it before H.M. for his disallowance. But if the Assembly will pass a new Act for repealing this whereby the persons who have purchased under the security of this Act of 1710 may be safe, and the new law not liable to any other objections, we think you may give your assent to such law, provided there be a clause in it, declaring that it shall not be in force till H.M. pleasure is known. We take notice of what you write concerning the Act for paying the remainder of all publick debts, and we wish you had been more particular in your observations upon it, which would have been of use to us, there being a caveat lodged in our Office in the name of some merchants here, and others residing at New York against confirming that Law. When the Act comes we shall consider it, together with the objections that will be then made against it. [C.O. 5, 1124. pp. 20, 21; and (corrected draft) 5, 1079. No. 99.]

April 23.
Whitehall.

501. *Same* to the Lords of the Committee for hearing appeals *etc.* from the Plantations. *Enclose* papers lately received from Brigadier Hunter relating to Mr. Mulford's complaints, and Mr. Solicitor General's opinion. Your Lordships will perceive by *enclosed papers* what opinion the inhabitants of New York have of Brigr. Hunter's conduct in his Governmt. (c. 20th Jan. and 1st April). *Enclosed*,

501. i. List of papers received by the Council of Trade from Governor Hunter relating to Mr. Mulford. [C.O. 5, 1124. p. 22; and 5, 1079. Nos. 100, 101.]

1718.

April 23. **502.** Earl Stanhope to the Council of Trade and Plantations.
Whitehall. Copy of No. 496. [C.O. 389, 37. pp. 150, 151.]

April 24.

Treasury
Chambers.

503. Mr. Lowndes to Mr. Popple. A petition having been presented to the Lords Commissioners of H.M. Treasury by William Tavernor for allowances for surveying the late French part of Newfoundland, *desires* a certificate of his services *&c.* Signed, W. Lowndes. *Endorsed*, Recd. 24th, Read 29th April, 1718. *Addressed*. 1 p. [C.O. 194, 6. No. 46; and 195, 6. p. 393.]

April 24.

504. Richard Shelton to Mr. Popple. In reply to 3rd April encloses following. Signed, Ri. Shelton. *Endorsed*, Recd., Read 30th April, 1718. $\frac{3}{4}$ p. *Enclosed*,

504. i. Extract of letter from Governor Johnson to Mr. Shelton. Charles Town, 15th Feb., 1717(18). Several of the heads of the Creek Indians have been with me to offer peace, and have been kindly receiv'd and sent back; 'tis reported from St. Augustin, as if they had made peace with the Cherikees, if so, we are deeper engag'd than ever, but we hope the best, and as it is only conjecture I hope by the next to give you a better account. $\frac{1}{2}$ p. [C.O. 5, 1265. Nos. 97, 97 i.; and (without enclosure) 5, 1293. p. 147.]

April 25.

505. Mr. Shelton to Mr. Popple. *Reply* to 9th April. I do assure you the Lords Proprietors do not know that any such law was ever pass'd, and if any such law should be propos'd there the Lords will repeal it here and give your Board notice of it. Signed and endorsed as preceding. $\frac{3}{4}$ p. [C.O. 5, 1265. No. 98.]

April 26.

506. Anonymous letter to Mr. Popple. There has been laws sent from Pensilvania several times in which even in capital cases an affirmacon was allowed to be taken instead off an oath but as often as such laws have been presented they were rejected, yet notwithstanding the Assembly upon receipt of the Crown's negative always proceed anew to reenact ye same law and about six years agoe they have pass'd another Affirmacon Act without the name of God being menconed in the affirmacon this Act they still keep under their thumb and will not produce it for the Royal assent till they are forced to it because they (*k*)now it will be damn'd then, but till they present it, it will be in force, *&c.* *Endorsed*, Recd., Read 6th May, 1718. *Addressed*. *Postmark*. 1 p. [C.O. 5, 1265. No. 101.]

[April 26.]

507. Governor Philipps to the Council of Trade and Plantations. According to your Lordships commands, I humbly offer

1718.

my oppinion on the several articles of my memorial (v. 21st Feb.). (i.) As to Newfoundland trade and Governmt., I doe agree that the necessity of makeing any alteration therein turns intirely upon whether settlements there are to be encouraged or not. The chief objection I take to be that the people of New England benefitt more from them then the subjects of Brittain this is matter of fact and can only be remedy'd by makeing a monopoly of that fishery in favour of the latter, or the Marchants contracting a year beforehand for all the fish that shall be catch'd the season following, or by prohibiting the retaile of all comodity's brought thither in New England bottoms, *etc.* (ii.) Your Lordships' opinion inclining to the report of the Board of Ordnance that both garrison and fortifications of Placentia may be reduced, I must pray you to observe that the first is already reduced by the present establishment to less than half its numbers. If you think it may (with security) be reduced to 50 or 60 men, the suppernumry. will be very useful in Nova Scotia to garrison the forts thought necessary to be built there, *etc.* As to the fortifications, it is submitted whether the old may be repaired or the new built with the least expence. Something must be done this summer to preserve the poor men and their provisions from the severity of the winter *etc.* (iii.) The best and only method to secure the allegiance of the French inhabitants of Nova Scotia, is to give all possible incouragement towards settleing that country from these Kingdoms, by grants or publick advertisements to lett people know that there's settlements intended in that country, where propertyes will be given the Adventurers, setting forth the goodness of that soyle and climate, the advantages of trade with assurances of all due protection from the Crown. And if transportation could be allowed them it would be a great inducement to poore families to go thither and in the mean time to lett these French see that the Govermt. is in earnest to take care of that countrey by repaireing its fortifications. (iv.) *Proposes* presents to the Indians to the value of 5 or £600. (v.) Commissioners to be appointed to adjust the bounds according to the late Treaty's *etc. etc.* *Articles vi.-ix. 21st Feb. expounded. Signed, R. Philipps. Endorsed, Recd. 26th, Read 29th April, 1718. 6 pp. [C.O. 217, 2. No. 46; and 218, 1. pp. 343-350.]*

April 28.
London.

508. Anonymous letter to Mr. Popple. In the late King's time Mr. Penn agreed to surrender his right to the governmt. of Pensilvania, with all the fines and perquisites thereof, for £12,000, but never sign'd the surrender, tho part of the money has been paid him. You will have transmitted to you severall laws from Pensilvania, in some of which the fines are granted to the Town of Philadelphia and also the power of granting licences to publick houses is vested in the Justices contrary to the method of the Plantacons, and divesting the Governmt. thereby of another very considerable proffit in prejudice of Mr. Penn's design'd grant of them to the Crown as he was obliged to [*? by*] the above menconed agreement and wch. indeed will be effectually made void if those

1718.

laws obtain the Royall Fiat by the King's own act, *etc.* *Signed*, A. B. *Endorsed*, Recd., Read 6th May, 1718. *Addressed*. *Postmark*. 2 pp. [C.O. 5, 1265. No. 100.]

April 28. **509.** H.M. Warrant confirming to William Congreve the Kensington. Office of Secretary of Jamaica during his life. *Countersigned*, J. Craggs. [C.O. 324, 33. pp. 164, 165.]

[April 29.] **510.** Petition of Capt. James De Leuze to the Council of Trade and Plantations. Edmund Helot died at St. Christophers in 1680 seized of considerable estate real and personal. Stephen Duport possessed himself thereof upon marrying his widow. Upon the breaking out of the war with France in 1689 Mr. Duport retired for England, and Mrs. Duport put herself and the estate of Mr. Helot into the protection of the French who soon after took the English part of St. Christophers. The English reduced St. Christophers in 1690 and the inhabitants who submitted to K. William were restored to everything that was found to belong to them. Mrs. Duport having farmed her estate to a Frenchman and retired to France (Mr. Duport being taken at sea and carried there) her negroes and movable effects together with those of Mr. Helot's children were seized and sold by the Army. Mr. Duport hearing that St. Christophers was reduced returned from France into England, and did obtain H.M. order to be restored to the whole estate that could be found, but reaped little benefit thereby the persons who had bought the negroes having sold them off the Islands for Jamaica. Mr. Duport petitioned Her late Majesty that he might be considered for the great losses sustained by him as he pretended in 1689, but in truth were in 1690. His petition and accompt were laid before the Council of Trade and Plantations. He is soliciting the said losses to be paid him out of the late French lands of St. Christophers. Memorialist is married to the only surviving child of Mr. Helot, who was an infant under the care of her mother when the said losses were sustained, which chiefly were the effects of Mr. Helot. *Petitioner prays* for such part of any reparation that may be ordered as belongs to his wife and for a copy of Mr. Duport's accompt. *Endorsed*, Recd., Read 29th April, 1718. $1\frac{1}{4}$ pp. [C.O. 152, 12. No. 78.]

April 30. **511.** Mr. Solicitor General to Mr. Popple. *Reply to April 23.* I have perused the representation (Apr. 23), and I find no legall answer to the express grant of K. Wm. to the Massachusetts of that tract of land so that I have nothing more to trouble their Lordships with, in this matter. *Signed*, Wm. Thomson. *Endorsed*, Recd., Read 2nd May. $\frac{1}{2}$ p. [C.O. 5, 866. No. 146; and 5, 915. p. 115.]

April 30. **512.** Mr. Popple to Mr. Marsh. The Council of Trade and Whitehall. Plantations have for some time expected to hear from you when the petitions against the Act of Antigua to indemnify Anthony Brown *etc.* would be ready *etc.* They think it necessary to make

1718.

a report as soon as may be upon H.M. Order of Reference. [C.O. 153, 13. pp. 284, 285.]

April 30.
Whitehall.

513. *Same* to Mr. Priswick. The Council of Trade and Plantations desire to hear what Col. Codrington has to offer upon his petition referred to them 29th Aug. *etc.* If he desires to be heard by Council, you will please to let me know it, that H.M. Attorney and Sollicitor Genl. may have notice to attend in behalf of the Crown. [C.O. 153, 13. pp. 285, 286.]

May 1.
Whitehall.

514. Council of Trade and Plantations to the King. *Quote Col. Rhett, 20th March. Continue* :—Altho we do not find the said Law [of *Carolina*] has hitherto been transmitted to the Lords Proprietors for their approbation, yet considering the ill consequence of such an Act, and that it is of force till repealed, we thought it necessary to have the opinion of your Majesty's Solr. Genl. in relation to the said Act *quoted* (v. April 5th). Agreeable to this likewise was the opinion of Sir E. Northy and Sir Simn. Harcourt in 1706 *quoted*. [v. C.S.P. 1706. Nos. 328, 366.] Considering therefore that this Law is in force till it shall be repealed, we most humbly offer, that your Majesty's pleasure be signify'd to the Lords Proprietors of Carolina, that they immediately send over to that Province their disallowance of the same, with directions to their Govr. there never to give his assent to any law of the like nature for the future. [C.O. 5, 1293. pp. 148, 149.]

May 2.
Whitehall.

515. *Same to Same.* We have received a Representation of several Roman Catholick inhabitants of your Majesty's Island of Antegoa against an Act to prevent the increase of *Papists and Nonjurors etc.* *Quote its provisions and effects from 4th Jan. Conclude* :—We beg leave to represent to your Majesty that tho' the Assembly might have reason to make an Act to prevent the increase of Papists in that Island, and to lay some restraint on those already settled there, yet we cannot but think it very unjust to banish them all out of the Island as is intended by this Act, without charging them with any crimes, by which they might have deserved such a punishment; And it seems to us that it would have been more proper, only to subject the Papists who were already settled in that Island to such penalties as might effectually prevent their being hurtfull to the Governmt. there, but to leave them the liberty of exercising their trades and enjoying their estates, provided they take the oaths of Allegiance and Abjuration and behave themselves with duty to the Government; And we are the more inclined to be of this opinion by observing in the Minutes of the Council of Antegoa, that the Lieut. Governor of that Island a Gentleman of very good character and of unquestioned zeal for your Majesty's Governmt., as well as another Member of the Council, refused their consent to the passing this Act, and that the whole Council did recommend to the Assembly to insert in it a clause in favour of some particular Roman Catholicks in consideration of their good services to the

1718.

Island which was not complied with ; Wherefore we are humbly of opinion, that your Majesty may declare your disallowance of the aforesaid Act. [C.O. 153, 13. pp. 287-290.]

[May 2.]

516. Merchants trading to New York to the Council of Trade and Plantations. In behalf of themselves and others inhabiting said Province, petition *as* April 23rd, concerning Act for *paying debts etc.* Great care was taken by the Assembly not to print the proceedings on the same as usual. The Grand Inquest for the City and County of New York, addressed the Governor by setting forth how prejudicial the passing of the bill would be to the trade and credit of the Province. To their great surprise their Address was laid before the Assembly by the Governour, and the Assembly ordered their Sergeant at armes to take the Grand Jury into custody and bring them to the barr of their House. The Grand Jury was charged with many particulars read to them by the Speaker, they desired a copy of the same but it was refused them this prosecution was carryed on with a great deal of violence in the Assembly by Lewis Morris Esq. sole Judge of the Supream Court *etc.* The law is detrimental to the trade of the inhabitants because (i.) most of the sums to be paid are for claims not thought to have sufficient grounds to be brought forward 5 years ago, when Commissioners were appointed for that purpose, or then rejected. (ii.) One third of the moneys to be paid is to the Governour Councill and Assembly couched under the terms of incidents and services *etc.* (iii.) It will give a handle ever after for designing men to introduce presents to themselves *etc.* (iv.) It will render the support of the Government very precarious by a further appropriation and anticipation of the Excise which is the most solid part of H.M. Revenue. (v.) It will sink the credit of the Province by issuing bills of credit for such considerable sumes upon a fund already anticipated 21 years by a former Act, merchants being foret to take the same in payment when they are of little worth. (vi.) It will incourage designing men to enter into such measures again and set up new claimes and lay further dutys on trade which they seem inclinable to do. (vii.) The multiplying of paper money prevents the currency of silver and gold for whilst the former is in being the other is kept up so that the traders cannot remitt in gold or silver as usuall, neither is it to be gott under 10 p.c. more than usuall whilst paper money is circulating. (viii.) Part of the paper money to be struck is appropriated for uses in future and part to remain as a stock in the Treasurer's hands, neither of which falls under the title of the Act, part of the latter is intended to run lines between New York and New Jerseys. If so, it is humbly hop'd due care may be taken that no part of New York province be laid to that of the New Jerseys, the merchants of Great Britain preferring the trade of a Collony under the Crown to that under Proprietors, (ix.) and unless due care be taken that H.M. Dominions in the sd. Province be preservd, and that Richmond County and Minnesincks and other places in Orange County, esteemed as

1718.

part of New York upwards of 50 years, great quitt rents will be lost to the Crown *etc.* *Signed*, Charles Lodwick, John Lloyd, and six others. *Endorsed*, Recd. 2nd, Read 6th May, 1718. $4\frac{3}{4}$ pp. *Enclosed*,

516. i. Representation of the Grand Jury of the City and County of New York to Governor Hunter. Nov. 29, 1717. *Pray* H. E. to withhold his consent to the Act for *paying debts* *etc.*, it being offered upon terms of issuing bills of credit, upon so precarious a fund, which will weaken credit "and be attended with the worst of consequences to this now thriving Colloney, and which has been so destructive to some others of H.M. Plantations" *etc.* *Signed*, Stephen De Lancey, Henry Lane, Phillip Cortlandt, William Smith, Barent Reynders, Jos. Robinson, Geo. Emott, John Read, Samll. Provost, John Moore, Phillip Schuyler, Henry Cuyler, Augustus Jay, John Rolland, William Walton, Robt. Lurting, H. V. D. Spiegel, Robt. Watts.

On 5th Dec. the above were brought to the Bar of the House *etc. ut supra*. They replied: "Wee are humbly of opinion that the bill being passed this honourable House wee could not more properly apply than to H.E. *etc.* without the imputation of contempt to the other two parts of the Legislature." *Endorsed*, Recd. from Mr. Lodwick, 2nd, Read 6th May, 1718. $2\frac{1}{2}$ pp. [C.O. 5, 1051. Nos. 67, 68.]

[May 2.] 517. Extract of a letter from the Committee of Correspondence at Barbados to the Agents in England. Arguments in favour of confirmation of the law (1715) *impowering licentiate lawyers to practice as barristers* *etc.* v. 18th June. *Endorsed*, Read 2nd May, 1718. $3\frac{1}{2}$ pp. [C.O. 28, 15. No. 33.]

May 3. 518. Governor Hunter to the Council of Trade and Plantations. *Encloses* Minutes of Council and Acts of Assembly of New York, "of which one only wants observation that is the act for payment of the remainder of the publick debts of this Province." *Continues*:—those who on your side clamoured against the last gave for their reasons this amongst the rest that many were left out who had just claims, now that all such are paid I can without the help of the second sight foretell that the same persons will say that now many are paid who ought not to have been so, for in the first place I must inform your Ldships that a great part of the sum given by that act is for the payment of what is due to such persons (or their heirs) as appeared and continued for a considerable time under arms in favour of the happy Revolution here and at Albany for which service til now they never could receive any consideration tho' it was apparent that they zealously underwent that service to their great loss and danger as also by this act all such are paid as had at that time any good arms or ammunition or provisions taken from them for the uses of the several Garrisons, there are also given certain

1718.

sums for publick uses which were absolutely and immediately requisite such as repairing the Custom house, the Secretary's office, Agent's salary, running the division lines twixt this and the adjacent Provinces, an allowance for the past extraordinary and incidental expences of Govt. for which nothing had been given in any former act, (they must be wrought upon by degrees, he that thinks he can doe everything at once knows little of popular Assemblys) and many more your Lordships will observe in the perusal of the act its self, the Excise by that is continued five years longer as a fund for sinking the bills of credit struck on this occasion or rather as a farther security for their being sunk for it is apparent that the Excise its self in the term for which it is given in the former act with the other funds given in this will goe near to sink these bills without the help of that five years continuation. I have formerly troubled yr. Ldships. about a Commission for trial of pirates that of King William's expiring with the Act upon which it was founded these pirates are still in prison here and since the promulgation of H.M. gracious pardon there are but four of that band come into this Province and as far as we have learned very few to any other. *Signed*, Ro. Hunter. *Endorsed*, Recd. 24th, Read 25th June, 1718. 3 pp. *Enclosed*,

518. i. List of 14 Acts passed at New York. *Same endorsement*. 2½ pp. [*C.O.* 5, 1051. Nos. 69, 69 i.; and (*without enclosure*) 5, 1124. pp. 26-28.]

May 3.
New York.

519. Extract of letter from Governor Hunter to Mr. Philips. *Describes* opposition to Act for *paying debts etc.* and its provisions. *Concludes* :—If any mention should be made of my article in that Bill ; it is really for what is there named ; that is, the extraordinary's or incidents of Government, for which there has not been one farthing allowed in their former bills : and every man of them is sensible, that the allowance is much short of the real expence. These bills, however, are now current all over these Provinces ; and without a general ruin cannot be damned. *Endorsed*, Recd. —, 1718, Read 16th Aug., 1720. *Copy*. 2¾ pp. [*C.O.* 5, 1052. ff. 36, 37.]

May 3.
N. York.

520. Governor Hunter to the Council of Trade and Plantations. The New Jersey affairs require but little room, in the main all is easy and like to continue so, in spite of the continued endeavours of these restless men who had missled the people, of which they are now sensible. I mett the Assembly, but it being their busy seed time I let them adjourn til the fall *etc.* They have given me all possible assurances of settling a Revenue for a longer term at their next meeting. *Has* appointed John Johnston junr. and John Parker Councillors for the Eastern Division, and Peter Tretwell and John Hugg, Quakers both, for the Western, *etc.* *Set out*, N.J. Archives, 1st Ser. IV., 363. *Signed*, Ro. Hunter. *Endorsed*, Recd. 24th, Read 26th June, 1718. 2 pp. *Enclosed*,

520. i. Message of Governor Hunter to the Assembly of New Jersey, Amboy, 19th April, 1718. *Copy*. 1¾ pp.

1718.

250. ii. Speech of *Same to Same*. *Endorsed as covering letter*.
Copy. 1 p.

250. iii. Address of Assembly of New Jersey to Governor Hunter. Request for adjournment. It is highly grateful to us that H.M. has expressed himself well pleased with your Excies. administration *etc*. *Copy*. 1 $\frac{3}{4}$ pp. [C.O. 5, 971. Nos. 74, 74 i.-iii. ; and (without enclosures) 5, 995. pp. 442, 443.]

May 3. **521.** Mr. Marsh to Mr. Popple. *Prays for copy of Minutes*
Haberdashers of Council of Antigua relateing to the suspension of Mr. Morris
Hall. *etc*. *Signed*, Jo. Marsh. *Endorsed*, Recd. 3rd, Read 6th May,
1718. 1 p. [C.O. 152, 12. No. 80.]

May 3. **522.** Governor Sir N. Lawes to the Council of Trade and
Jamaica. Plantations. I have the honour by this first opertunity since
my arrival to acquaint yor. Lordships, that after a very agreeable
passage, I had my Commission publish'd on the 26th past at
the usual places, which was perform'd with great solemnity,
and a general satisfaction appear'd among the inhabitants. Your
Lordps. will be sensible, the ceremony and hurry, usual on the
like occasions has prevented as yet my near inspection into the
civil affairs and circumstances of my Government, in which for
the future I shall not be wanting *etc*. I have had several informa-
tions given me of pyrates, who lye lurking in and about the
windward passage, and, as the merchants tell me, have lately
plunder'd and taken upwards of 30 sail of ships and vessells,
trading to and from this Island. I shall not trouble your Lordps.
at this time with any further particulars, but to desire that during
our correspondence, your Lordps. will always put the most
favorable and candid interpretation upon every thing I shall
write to you *etc*. *Signed*, Nicholas Lawes. *Endorsed*, Recd.
18th, Read 22nd July, 1718. 1 $\frac{3}{4}$ pp. [C.O. 137, 13. No. 10 ;
and 138, 16. pp. 117, 118.]

May 4. **523.** Memorandum of H.M. Commission to William Sheriff
Kensington. to be Commissary of the Musters of the Garrison at Annapolis
Royal. [C.O. 324, 33. p. 181.]

May 5. **524.** Joseph Willard to Mr. Popple. Encloses Journal of
Boston in Assembly and Acts 1717 *etc*. *Concludes* : I have been told that
New England. paper and other stationary ware is allow'd by the Lords Com-
missioners to the Secretaries Offices in the Plantations ; if it be
so, you'll please to send us a supply, and it will be very acceptable.
Signed, Josiah Willard. *Endorsed*, Recd. 3rd, Read 9th July,
1718. 2 pp. [C.O. 5, 866. No. 170 ; and 5, 915. pp. 160, 161.]

May 6. **525.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Craggs. Having received the annex'd copy of a letter (v. No. 423,) from the Agent of Carolina, we thought it proper to lose no time in communicating the same to you, that you might receive H.M. orders thereupon. Upon this occasion we cannot help repeating

1718.

an advice which has frequently been given by this Board, that the proper methods should be taken for resuming of this and all other Proprietary Governmts. into the hands of H.M., since it is evident they cannot support or protect themselves, and that any misfortune happening to them must in consequence affect the rest of H.M. Dominions on the Continent of America. You will be pleased to observe from the inclosed that the people of Carolina seem to think their enemies are too much encouraged by the Spaniards, and this part of the grievance may possibly be redressed upon settling affairs with Spain. We expect very shortly a memorial at large from the Agent of Carolina *etc.* [*C.O.* 5, 1293. *pp.* 150, 151.]

May 6. **526.** Governor Hamilton to the Council of Trade and Plantations. *Begins with duplicate of April 10th. Continues:—*Since the foregoing I have received a letter from Capt. Francis Hume Commander of H.M.S. *Scarborough etc.* *Refers to enclosures,* by all which your Lordship's will perceive that the Danes persist in going on with their Settlement upon the Island of St. Johns, which by my ninety ninth Instruction I should obstruct and hinder them from going forward, but as this can not be done but by force, and by my hundred and six't Instruction I am forbid in these express words Provided always that you do not by colour of any power or authority hereby given you commence or declare war without knowledge and particular command's therein, I therefore think it my duty first to informe your Lordship's in order to lay this matter before H.M. that I may receive his Royal command's and your Lordship's directions how far then to proceed. I also sent a letter to the Governour of St. Juan de Porto Rico *etc.* (*v.* April 10th), but Capt. Hume not being permitted to com into their harbour I had no answer and shall waite yor. Lordship's farther direction's *etc.* *Encloses old Seal broken, etc.* *Signed,* W. Hamilton. *Endorsed,* Recd. 25th, Read 26th June, 1718. *Holograph.* $1\frac{3}{4}$ *pp.* *Enclosed,*

526. i. Capt. Hume to Governor Hamilton. *Scarborough.* Off the City of St. Juan's de Porto Rico. April 15, 1718. *Refers to following. Continues:—*This affair of St. Johns gives them no little concern; The truest accounts are that they are building a fort Craul Bay and are mounting 12 guns, they have 8 men and 24 negroes. I have not nor would not converse with any of them since have been there—only with the Governour about this affair, and Mr. Phillips who I found much puzzled, they have arrested his effects pretending he was in debt which will appear to the contrary if they go on as they have done for two days last week in settling his accounts by arbitration but as I could not help my sailing with all expedition for this place, I doubt they may return to their old way of delaying *etc.* Sunday morning I sailed from thence and got before this place yesterday morning. I sent my officer (before I attempted to go in) to desire leave, and a pilott but would not admit him

1718.

to come on shoar. I sent him a second time with a flag of truce, and they fired at him. To-day Mr. Ottley with his sloop attempted to go in, and admitted himself and boat to come on shoar, conferred with the Governour tendered him my letter which he would not peruse, said he had orders eight days past from the King of Spain to admit of no conference with any English. *Signed, Fra. Hume. Copy. 1 p.*

526. ii. Capt. Hume to the Governor of St. Thomas. H.M.S. *Scarborough* at St. Thomas, April 11, 1718. I have delivered you H.E. General Hamilton's letter, and verbally conferred with you this morning *etc.* You owned and declared it [*the settlement by Danes upon St. Johns*] was by vertue of an order from his Brittanick Majesty to yourself *etc.* I here on behalf of his Brittanick Majesty, and by directions of H.E. General Hamilton, H.M. Captain General and Commander in Chief in and over all the Leeward Carribbee Islands to Windward of Porto Rico to demand in writing why you presume to make a Settlement on any Island to which his Brittanick Majesty has an undoubted title *etc. (as No. 494 ii.) Demands* answer in writing. *Signed, Fra. Hume. Copy. 1 p.*

526. iii. M. Bredal, Governor of St. Thomas, to Governor Hamilton. St. Thomas, 23rd April, 1718. You will understand that it would ill become one as a loyal subject of the King of Denmark to abate in any degree the claims of H.M. upon the island of St. Johns, and in such cases it is for me to obey orders *etc.* To the King I owe my life *etc.* As to the measures that you will take, I do not think the Danes have deserved to be treated by you, Sir, otherwise than as friends *etc.* I have no doubt but that the Island of St. Thomas is held by the King of Denmark by virtue of a good title *etc.* Besides, the legitimate occupation of a deserted island, and peaceable possession of it for so many years evidently justify it. *Signed, E. Bredal. French. Copy. 1 p.*

526. iv. *Same to Same.* St. Thomas, 23rd April, 1718. Since the occupation of the Island of St. Johns is authorised by his Majesty of Denmark, as well as founded on good right, I cannot desist, without injuring justice and failing in my duty, which consists in the execution of the orders of my Sovereign *etc. Concludes as preceding. Nos. i.-iv. endorsed as covering letter. Copy. ½ p. Signed, E. Bredal.*

526. v. Governor Hamilton to Capt. Hume. Antigua. April 5, 1718. Instructions to Capt. Hume for delivery of letters to Governors of St. Thomas and Porto Rico. *cf. Nos. 494 ii., iii. 1½ pp.*

526. vi. Duplicate of No. 494 ii.

526. vii. Duplicate of No. 494 iii. *Nos. v.-vii. endorsed*

1718.

as covering letter. [C.O. 152, 12. Nos. 97, 97 i.-vii.; and (without enclosures) 153, 13. pp. 331-333; and 152, 39. No. 130.]

May 6.
Whitehall.

527. Council of Trade and Plantations to the King. *Reply* to Dec. 21st and Feb. 12th last. *Quote* charges against, and defence of Gallantry, alias Tulon, a native of France, as to trading with French goods and fishing at Newfoundland. *Quote* their Representation of 2nd March, 1716. *Continue* :—We are still humbly of opinion, since the imployment of foreign fishermen must in a great measure hinder the nursery of our seamen, that your Royal orders to the Govr. of Placentia in Newfoundland, and the Commanders of your Majesty's ships of war attending that service, requiring them not to permit any persons whatsoever to fish there, who are not your Majesty's subjects, or who bring their tackle or utensils for fishing from France, or any other foreign dominions, may effectually reform these abuses. And as it do's not appear that Tulon is naturaliz'd a subject of Great Britain, in which case, according to Mr. Attorney General's opinion, neither Tulon nor any person in his circumstance, has a right to fish at Newfoundland, and the proceedings of Weston and Cleeves, in securing the fish taken by Tulon there, are not only justifiable by Law, but agreeable to their duty; we humbly submit it to your Majesty, how far in consideration, that the said Tulon, who among others remaining at St. Peters, took the oaths to your Majesty and ingag'd in the Fishery in confidence of her late Majesty's letter and the oaths given thereupon, your Majesty may compassionate his case, in restoring to him the produce of the fish taken by him at St. Peters and sent to Bilboa; But we humbly conceive it to be for your Majesty's service, that a practice be discourag'd so evidently tending to lessen our Trade and Fishery at Newfoundland, and the promoting that of the French, as the bringing thither and imploying French servants, fishing tackle and other goods from France; We therefore humbly offer, that if your Majesty should be graciously inclin'd to shew your Royal favour to the said Tulon, no part of the produce or value of the said fish, remaining or dispos'd of at Bilboa, be remitted to him, till after the whole has been return'd to your Majesty, since we have reason to believe, that nothing less will effectually encourage the fishing Admirals to exert themselves in the performance of their duty according to law, or restrain such unprecedented and partial proceedings of the Biscayneers in seizing the fish at Bilboa. *Autograph signatures.* *Endorsed*, R. 7th May, 1717. Read at the Committee. Tulon to remit the produce of the fish to H.M. and then to have it restored to him. *Autograph signatures.* 5½ pp. [C.O. 194, 23. No. 29.]

May 6.
Whitehall.

528. Council of Trade and Plantations to the Lords of H.M. Privy Council. *Reply* to 23rd April. We have not yet received the Act of New York for *paying several debts etc.*, but have writ to H.M. Governor to transmit it to us by the very first opportunity *etc.* [C.O. 5, 1124. p. 24; and (corrected draft) 5, 1079. No. 102.]

1718.

May 7.
Whitehall.

529. *Same* to Governor Hunter. *Enclose* order in Council and representation of merchants April 9th, May 2nd, "that you may without loss of time cause the said Act to be laid before us together with your observations thereupon." [C.O. 5, 1124. p. 25; and 5, 1079. No. 103.]

May 7.

530. Mr. West to the Council of Trade and Plantations. Reports against Act of Antigua to *prohibit the importation of French and other foreign sugars etc.* Objections in detail. Has no objection to the Act to *constitute a Court Merchant.* Signed, Richd. West. *Endorsed*, Recd. 9th May, Read 1st July, 1718. 4 pp. [C.O. 152, 12. No. 99; and 153, 13. pp. 334-337.]

May 8.
Whitehall.

531. Mr. Popple to Mr. West. Encloses clauses in the Governor of the Leeward Islands' Commission and Instructions relating to the passing of laws, as desired. You need not attend the Board till Wednesday morning, but in the mean time the Council of Trade and Plantations desire your opinion in writing upon the Act of Antigua to *prohibit the importation of foreign sugars etc.* [C.O. 153, 13. p. 291.]

May 8.
Whitehall.

532. Council of Trade and Plantations to Governor Hamilton. We have had under consideration an Act passed at Antegoa, 1717, to *quiet present possessors of lands etc.* and have taken the opinion of H.M. Attorney General thereupon (a copy whereof is here inclosed), whereby you will perceive that the said Act as it now stands, is not fit for H.M. Royal approbation; But as it is possible there may be some purchasers under this Act, who might be sufferers, if the same should be immediately repealed on this side, we are willing to give the Assembly an opportunity of passing a new Act or Acts, conformable to the Attorney Genls. opinion; You are therefore immediately upon the receipt of this letter to acquaint the Assembly that if they will at their first meeting repeal the present Act and pass a new Act or Acts in the stead thereof which shall not be liable to the objections made by the Attorney Genl. to the present law and transmit the same to us by the first ships, we will defer laying this Act before H.M. for his disallowance, till such time as we may reasonably expect a return to this letter. But in case of any neglect, refusal or delay, we shall be obliged to advise H.M. to repeal the present law as derogatory to H.M. right and prerogative. [C.O. 153, 13. pp. 291, 292.]

May 9.
Whitehall.

533. Council of Trade and Plantations to the Lords Commissioners of the Treasury. *Enclose* Office accounts from Michaelmas, 1717, to Lady day, 1718. There was at Lady day a quarter's salary due to our Secretary and other officers of this Commission. *Accounts annexed.* [C.O. 389, 37. pp. 152-154.]

May 9.
Barbado's.

534. Governor Lowther to the Council of Trade and Plantations. I should not have so long deferred answering your Lordship's letters of the 16th of May, and of the 4th and 11th of

1718.

October, 1717, had I been able to have transmitted such authentic informations of the state of the publick accounts here as you require; but as your Lordship's are sensible, that such accounts are only to be had from the Committee who are appointed by law to adjust and state 'em; so I hope the copy of the inclosed order will convince your Lordships that I've used my best endeavours to procure 'em, and that I shall lay 'em before you, so soon as I receive 'em. The Revenue which properly and immediately belongs to the Crown here, is, first, the duty of $4\frac{1}{2}$ per cent. that's laid on all the country's produce which is exported: and secondly, that which is called the Casual Revenue; both which are managed and collected by particular officers appointed by the Lords Commissioners of H.M. Treasury. I perceive that your Lordship's do conjecture that a great number of acres of land here has been granted by the Crown to the inhabitants on certain reserved rents: I do assure your Lordship's, I know of no such grantes, and that all the information I can give you touching this matter, is, that King Charles the first granted the propriety of this Island in the 2nd year of his reign to James Earl of Carlisle, and that King Charles the 2nd purchased the sd. propriety in 1661 *etc.* The grantes that have since been made here, has been only of some waste land next the sea which people have inclosed or built upon for the conveniency of the landing and shipping of goods, and all that hath been reserved on such grantes is only a pepper corn. Your Lordships seem to apprehend that if the French at Martinique, Guardeloupe and Hispaniola, and the Dutch at Surinam are deprived of horses *etc.*, that they will erect windmills and consequently make their sugars cheaper than they do at present. There's no question to be made, but that both the French and Dutch will erect windmills so soon as they can get a sufficient stock of silver money or credit to effect it, but I humbly conceive, if a Law was made in England to restrain H.M. subjects from having any trade or commerce with 'em, that they would never be able to get either mony or credit to compass it: for the French could never vend their European commodities without such a trade, nor could they produce any considerable quantity of sugar if the King's subjectes did not supply 'em with corn, flour, fish, beefe, in return of which, they receive wine, brandy, sugar and mollosses; and the ballance is very considerably on the French side, so that, this pernicious trade will in all probability inable 'em (in some years) to erect mills, cureing-houses, still-houses, and all other necessary buildings for the better carrying on the sugar manufacture; now as they do already undersel us, and have so much advantage in the extent and goodness of land, such an improvement upon it, will inable 'em to make so large a quantity of sugar, mollosses, and rum, and to undersel us to so great a degree, that (in a little time) it will be impossible for H.M. subjectes here to continue the making of sugar. The fortifications are not yet quite compleated, but I hope I shall be able in a little time to give your Lordships such an account of 'em as will be to your satisfaction. The Honourable Colonel Brome the bearer hereof intending to return hither so soon as

1718.

His Lady and he have recovered their health : I take the liberty to desire your Lordship's to recommend him to H.M. as a very deserving and fit person to serve in the Council here ; there being few Gentlemen belonging to this place that's possessed of a better fortune, that have received a more liberal education, that hath made so good use of it ; and none that's more cordially affected to H.M. and His Royal Family, *etc.* *Signed*, Rob. Lowther. *Endorsed*, Recd. 26th June, 1718, Read 30th Sept., 1719. *Holograph*. 3 pp. *Enclosed*,

534. i. List of publick papers prepared to be sent for Great Brittain. *Endorsed as preceding*. 2 pp.

534. ii. Minute of Council of Barbados, 25th April, 1718. The Committee of Publick accounts are to settle the public accounts, sitting *de die in diem* from 15th May. *etc.* *Same endorsement*. *Copy*. 2½ pp. [*C.O.* 28, 15. Nos. 51, 51 i., ii. ; and (*without enclosures*), 29, 13. pp. 506-512.]

May 9.
Lincolns Inn.

535. William Walker to the Council of Trade and Plantations. Objections to Act of Barbados *impowering licentiate lawyers to practice etc.* v. 2nd May, 25th June. *Concludes* :—The Plantations are already unhappy enough, in a scituation so remote from the Fountain of Justice ; let them not be yet more so, in estranging them from the Fountain of Knowledge, Knowledge of our Laws, which alone can keep them in inclinations, manners and affections, united with their Mother Country. *Signed*, Wm. Walker. *Endorsed*, Recd. 9th May, Read 16th July, 1718. 7 pp. [*C.O.* 28, 15. No. 35 ; and 29, 13. pp. 470-478.]

May 13.

536. Joseph Boone to the Council of Trade and Plantations. *Refers to former Memorials from South Carolina and encloses following*, "signed by the Assembly and 568 other of the inhabitants (which is more then one halfe of the inhabitants)" *etc.* *Prays their* "Lordships once more to represent to H.M. the miseries and distresses of H.M. subjects and the certain inevitable ruin that must attend those that continue to remaine there unless H.M. will be graciously pleased to take them into his own imediate protection and care." *Signed*, Joseph Boone. *Endorsed*, Recd., Read 13th May, 1718. 1 p. *Enclosed*,

536. i. Duplicate of No. 423.

536. ii. Address of the Representatives and Inhabitants of South Carolina to the King. Out of the extreme grief we are under to see our country still harassed and our fellow subjects dayly killed and carried away by our savage Indian enemies, are obliged again *etc.* to lay before your Majesty the estate of this yr. afflicted Colony. *Refer to previous Address*. Our troubles (instead of coming to a period) dayly encrease upon us and now wee see ourselves reduced to such a dismall extremity that nothing but yr. Majesties royall and most gracious protection (under God) can preserve us from ruin. Our Indians continue comitting so many hostilities and

1718.

infest our settlemts. and plantations to such a degree that not only those estates which were deserted att the breaking out of the war cannot be resettled but others are likewise dayly thrown up to the mercy of the enemy to the ruin and impoverishmt. of severall numerous families, *etc.* Notwithstanding all these our miseries the Lords Proprietors instead of using any endeavours for our relief and assistance are pleas'd to term all our endeavours to procure yr. Majesties Royall protection the business of a faction and party. We most humbly assure your Majesty that 'tis so far from anything of that nature that all the inhabitants of this Province (in generall) are not only convinced that no human power but that of yr. Majestie can protect them but earnestly and fervently desire that this once flourishing Province may be added to those already under yr. happy protection, *etc.* *Signed by the Assembly and five [hundred and sixty-eight other of the inhabitants]. Endorsed as preceding. Torn. 1 p. [C.O. 5, 1265. Nos. 102, 102 i., ii.]*

May 14. **537.** Order of King in Council. Repealing Act of Carolina
Kensington. laying a duty of 10 p.c. upon all goods of British manufactory imported into that Province *etc.* (*v.* 1st May). The Proprietors and the Assembly are strictly enjoined and required not to permit the said law or any part of it to be henceforward put in execution, but that they do forthwith declare the same to be null and void to all intents and purposes, as they will answer the contrary; And likewise that the said Proprietors do reprimand their Governour for having given his assent to so illegall an Act; And that they do give strict orders to the Governors of that Province, for the time being, not to pass any law of the like nature, for the future, the same not being consonant to reason but repugnant to the laws of Great Britain and no ways warranted by the Charter granted to the Proprietors. *Signed, Robert Hales. Endorsed, Recd., Read 20th June, 1718. 2 $\frac{3}{4}$ pp. [C.O. 5, 1265. No. 103; and 5, 1293. pp. 152, 153.]*

May 15. **538.** Mr. Nivine to Mr. Popple. Asks that the hearing of the Act of Antigua against importation of foreign sugar may be postponed, owing to his indisposition *etc.* *Signed, Will. Nivine. Endorsed, Recd., Read 15th May, 1718. Addressed. 1 p. [C.O. 152, 12. No. 81; and 153, 13. p. 293.]*

May 16. **539.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Craggs. Having received a letter from Lt. Governor Bennet relating to some doubts that have occurred to the pirates, and which hinder several of them from surrendring upon H.M. Proclamation, we thought fit to transmit an extract thereof to you without loss of time, that you may receive H.M. Orders thereupon, as likewise on a former report of ours to the Lords of the Council of 20th Feb. last, relating to Commissions to be prepared for

1718.

pardoning of pirates, whereby we may be enabled not only to return an answer to the said Mr. Bennet but also to give the other Governors the necessary directions in cases of the like nature. [*C.O.* 38, 7. *p.* 342.]

May 20.
Whitehall.

540. Council of Trade and Plantations to the King. Recommend Act of Nevis *for the good government of negroes etc.* for H.M. approbation. [*C.O.* 153, 13. *pp.* 294, 295.]

[May 20.]

541. Petition of Bernardo de Guardia and Peter Diharce to the Council of Trade and Plantations. With a view to an appeal in the case of the N.S. de Bethlehem (*v.* 5th Feb., 1718), pray for copies of papers relating thereto, *etc.* Signed, Bernardo de Guardia, P. Diharce. *Endorsed*, Recd., Read 20th May, 1718. 1 *p.* [*C.O.* 137, 13. *No.* 6.]

[May 20.]

542. Copies of papers relating to Capt. Taverner's services.

(a) Mr. Secretary Stanhope to Capt. Taverner, 13th May, 1715. 1 *p.*

(b) (c) *Same* to the Lords of the Treasury, 30th May and 22nd Nov., 1715. 1 *p.*

(d) Certificate by *Same* that Capt. Taverner returned 8th March, 1716. $\frac{1}{4}$ *p.*

(e) (f) Copy of Capt. Taverner's Second report and survey upon Newfoundland, with Capt. Dehaldy's information. 30 *pp.*

(g) Capt. Taverner's list of French ships at St. Peters, Aug., 1714. 2 *pp.*

(h) Capt. Taverner's account of Col. Moody's proceedings at Placentia, 1714. 6 *pp.*

(i) (j) Copies of Col. Moody's Orders and Proclamations, 6th July, 1714. $2\frac{1}{2}$ *pp.* *The whole endorsed*, Recd. 21st, Read 27th May, 1718. [*C.O.* 194, 6. *Nos.* 48, 48 i.-ix.]

May 21.
Whitehall.

543. Council of Trade and Plantations to the King. In obedience to your Majesty's Order in Council of 2nd March, 1716, we have considered the petition of William Armstrong, and several other officers and soldiers late in the service of the Crown, praying for a tract of land lying between Nova Scotia and the Province of Maine *etc.*, and have been many times attended by the petitioners *etc.* *Quote Solicitor General's opinion*, 15th Feb., and the proposal of Mr. Dummer, 21st March, for the surrender of the lands "between Penobscot and the River St. Croix (which last is the boundary of Nova Scotia) to be disposed of as your Majesty shall think fit." *Continue*:—This last tract of land, we humbly conceive would be spacious enough to contain many hundred families, and might be equally convenient for the petrs. with that particular tract upon which they have fixed their views, and which alone as they alledge can engage them to pursue their project which might probably be of great advantage to the publick. But how far it might be adviseable for your Majty. to enter into any contracts of this nature with the Massachusetts Company, or to do anything that may further confirm their

1718.

claims, we shall not pretend to say, being daily more and more convinced that great inconveniences do arise from the erecting of Proprietary Governmts., who generally are not able to defend their own lands, and thô there be less to object upon this head to the Massachusetts Bay, then to some other Proprietary Governments, yet we cannot but observe that the people of New England do in many occasions interfere with the trade and benefit that should only accrue to the Mother Kingdom. But if the Petrs. could be induced to settle in any part of Nova Scotia not already granted to any other persons, they might be made very usefull to your Majesty. [C.O. 5, 915. pp. 115-118.]

May 23.
Boston in
New England.

544. Josiah Willard to Mr. Popple. *Refers to previous letter etc.* Three days agoe H.E. communicated to the Council H.M. Warrant for using a new Province Seal *etc.*, together with his Instructions relating to the passing of Acts *etc.* and Orders concerning the Revenue and some intended settlements of the French, which two last H.E. will answer very particularly as soon as the Assembly, who are to meet in a few days, shall rise : He orders me to inform you that in Dec. last he sent home the accounts of the three years exports that were behind. The former Seal was broken in Council ; the parts of it I now send you *etc.* Signed, Josiah Willard. *Endorsed*, Recd. 21st, Read 22nd July, 1718. 2 pp. [C.O. 5, 867. No. 3 ; and 5, 915. pp. 176, 177.]

May 27.

545. Mr. West to the Council of Trade and Plantations. *Report upon Act of Mountserratt, 1705, for quieting possessions and for the better securing and confirming the titles of land in this Island.* By which Act it is enacted that all persons who themselves or whose ancestors had been in the possession of any lands, tenemts. or hereditamts. for the space of ten years before the date of the said Act should be adjudged to be the lawfull Proprietors of the said lands as much as if their respective ancestors had been seized thereof by a lawfull and indefeizable estate in fee simple. Which Act I conceive to be lyable to these objections. By the said Act the rights of all persons are concluded excepting only infants, femes covert or their barons claiming in their rights, tents. in dower, persons non compos mentis and persons out of the Governmt. of the said Island and such persons who have any title or claim to any estate, which at the time of makeing the said Act is held in fee tail generall or speciall or after possibility of issue extinct for life or years or a tent. at will or sufferance to which severall persons the terme of five years is given by ye said Act to prosecute their respective titles after such time as they shall accrue. So that all persons within ye Governmt. of the said Island who may have any title or claim to any lands *etc.* other than is beforementioned are immediatly concluded and have no time given them to prosecute their claims. (ii.) By the said Act it is also proposed to confirm to the present possessors of any lands *etc.* their respective possessions against any claims which might be made upon their lands in behalf of the Crown. Notwithstanding which there is no time fixed in which those persons

1718.

who serve the King in his Law affairs in that Island should make or trye such legal claims or demands as the Crown may have on any lands in that Island so that the Crown is imediatly barr'd by ye said Act. Whereas on the contrary I am of opinion that the Crown ought not to be put upon the same foot with subjects, but that a longer time ought to have been allotted for the making its demands than is given to private persons. *Signed*, Richd. West. *Endorsed*, Recd. 30th May, Read 11th July, 1718. 2 pp. [*C.O.* 152, 12. No. 104; and 153, 13. pp. 347-349.]

May 27. **546.** Mr. Popple to Mr. Lowndes. *In reply to April 24th, Whitehall.* *recounts Capt. Taverner's services. Concludes:—*The Council of Trade and Plantations are still of opinion it is necessary the survey [of *Newfoundland*] should be completed. They have no objection against Cap. Taverner, *etc.* [*C.O.* 195, 6. pp. 394-397.]

[May 27.] **547.** Mr. Nivine to the Council of Trade and Plantations. *Argues in favour of the Act of Antigua prohibiting the importation of foreign sugars.* An effectual restraint of importation is highly necessary in the present condition of that Colony *etc.* "The said Island did not last year make above one halfe of its usual quantitys of sugars, this year their will hardly be made 1,000 hogsheads, which is about a 15th part of its usual complement and have not any prospect of making much more the next year, and as this has been occasioned by a very great excess of dry weather so the same has produced such a scarcity of ground provissions that they are forced to send off numbers of their negroes to be sold for want of food, and put them in as bad a condition by the loss of a great part of their working cattle"; these misfortunes have been so hard upon the inhabitants of that Island that many of them have deserted it already and numbers of the most considerable planters begin to entertaine thoughts of retreating with their negroes and most valuable effects to the Northern Continent, nor has the low prices of sugars in the markets of Europe affected that Island lightly *etc.* The inhabitants, especially the planters, are neither in a temper nor condition to grapple with any more discouragements. It is apparent that the continuance of such importation is considered by several other of the Sugar Colonies as well as Antegoa to be noe slight disadvantage to them by the very laws made by them to prevent it for the future, some of which have been already confirmed by H.M. *etc.* The Council and Assembly of Antegoa are so anxious about the fate of this bill that if the same is rejected in such a manner as to cutt off all hopes of haveing any law confirmed which they shall make for remedying this mischeife it will make impressions upon the minds of that people very capable of produceing fatal consequences to that Colony, especially considering that an Act of Barbado's (amounting to an effectual prohibition of that trade) has already been approved of by H.M. *etc.* *Suggests that* if this Act be thought not proper to be approved of by H.M., the repeal of it be suspended till another can be made not liable to the objections urged against it *etc.* *Signed*,

1718.

Will. Nivine. *Endorsed*, Recd. 27th May, Read 1st July, 1718.
 2½ pp. [C.O. 152, 12. No. 100.]

May 28.

548. Don Saura to Lord Stanhope. The favours which your Excy's generosity has conferred upon me emboldens me *etc.* to acquaint your Excy. the miserable condition of our Island; for the people are so heavy burdened they have not even where-withal to pay the ordinary expences of H.M. service, yet is there deputed a Sindico to goe to Court, whereas what they have to request might be done in the method General Carpenter our Chief Governor directed to acquaint them of, which would save the vast expense the Deputys journey must come too upon which account they have taken up money, to the very great prejudice of the people, but what is still more sensible, the Sindico is of a faction and kidney I presume your Excy. has been advised, and it's four or five illminded men that have brought this about, covering their wicked designs with the cloak of zeal, and not only for deviding and sowing dissention in the Island, but at Court too, which I have thought it my duty to acquaint your Excy. of, as the Patron of our Island *etc.* Cittdadela,* May 28, 1718. *Signed*, Don Juan Miguel Saura. 1 p. [C.O. 253, 1. No. 3.]

May 28.
 Jamaica.

549. Peter Heywood to the Council of Trade and Plantations. Encloses Minutes of Council of Jamaica to the close of his administration of the Government. *Signed*, Peter Heywood. *Endorsed*, Recd. 8th, Read 23rd Sept., 1718. ¾ p. [C.O. 137, 13. No. 14; and 138, 16. pp. 128, 129.]

May 30.
 Whitehal.

550. Council of Trade and Plantations to the King. *Representation upon Governor Philips' Memorial, 21st Feb., etc.* The trade to Newfoundland and the Government thereof, so far forth as the same relates to the Fishery, being at present establish'd and regulated by Act of Parliament, it might be of ill consequence to attempt any alteration from the ancient usages practis'd there, without very mature consideration; and in our humble opinion, it wou'd be adviseable to use all proper methods for inducing the present inhabitants of Newfoundland to remove to your Majesty's neighbouring Province of Nova Scotia, as well for the better settlement and strengthening thereof, as for improving the Fishery in those parts. [*Minister's note in margin: Let this recommendation be part of ye instruction to Govr. Philips.*] The inconveniences in the Newfoundland trade, arising from several ill practices of the inhabitants there, but more particularly from the trade they drive with the people of New England, in prejudice of their Mother Kingdom, is a further reason why all settlements in Newfoundland shou'd be discourag'd; which may in a proper season be worthy your Majesty's animadversion; and as we have the general state of the trade to Newfoundland at present under our consideration, we hope in some time to be able to offer our humble advice more particularly to

* Among papers relating to Sta. Lucia.
 Wt. 441.

1718.

your Majesty thereupon. The second article of Col. Philips's Memorial, relating to the garrison and fortifications of Placentia, occasion'd our looking back to a Report on this subject from the Board of Ordnance, and to a Representation from Major General Richards, which were formerly considered by this Board ; at which time they had the assistance of some of your Majesty's Ministers, who were of opinion with them, " That Newfoundland was a very inconvenient place for building " *etc. quoted.* [*Note by Minister in margin : See ye reports of Board of Ordnance upon this subject, and let it be part of Govr. Philip's instructions to protect ye Offrs. of yt. Board and assist them in the execution of ye schemes wch. shall be pursued for ye fortifications according to yt. report and according to ye summs granted for yt. purpose by Parliamt.*] *Continue :—*These were the former sentiments of the Board upon this subject, nor have we any reason to vary from them ; since the Old Fortifications, if repair'd wou'd not be able to make any long defence, and the smaller now propos'd wou'd certainly be sufficient to protect the harbour and fishery from being surpriz'd ; and if the few inhabitants now remaining in Newfoundland cou'd be induc'd to remove, it wou'd be less worth the enemies while, upon any rupture to attack the Island. But we think it is highly necessary for ye preservation of ye Fishery, that the Garrison of Placentia should be strictly enjoyned not to concern themselves therein, or to interrupt the fishermen in the curing of their fish upon any pretence whatsoever. [*Note by Minister : Let this be a strict article of ye instruction.*] Upon discourse with Major General Richards, we are informed that the barracks and magazines at Placentia, are so far out of repair, that it is absolutely necessary, immediate care should be taken for covering them, at as reasonable an expence as may be, so as to preserve the men and provisions from the severity of the weather, till such time as the scheme above proposed shall be put in execution. For which purpose Col. Philips, appointed your Majesty's Governor there, should be supply'd with money, workmen and materials from hence. [*Note by Minister : Let Col. Philips either receive such a summe as ye board of ordnance shall allot him out of ye Parliamy. provision, or be assistant and protect such as ye board shall employ to this effect.*] For our further information in matters relating to the pay, cloathing and provisions of the said Garrison, as well as of the forces at Annapolis Royal, we had recourse to two Representations, which we understood had been made thereupon to your Majesty by the Comptrollers of the Accounts of the Army, 22nd June and 29th July last, whereunto we most humbly take leave to refer, and do concur with the said Comptrollers *etc.*, to which we shall add only that by some letters lately received from Annapolis, we have reason to believe the soldiers there have been so ill-treated, particularly with respect to their cloathing, that unless they have speedy redress therein, they will all desert your Majesty's service. In the 3rd Article of Col. Philips' Memorial, he represents that all the inhabitants of Nova Scotia (except those of the Garrison of Annapolis) are French that remained there after the surrender of that Country, to the number of six or seven thousand, who never

1718.

took the oath of fidelity to your Majesty : and that when the Lieut. Governor summoned them for that purpose, answered, that they would not do it, till they should see your Majesty's Governmt. in those parts in condition to protect them against the natives of the country, who, they pretend, are very numerous, and entirely devoted to France, and that even in that case the said French inhabitants do likewise insist that they shall not be obliged to take arms upon a rupture either against the subjects of France or against the Indians. We have but too much reason to believe, that this may be the true state of Nova Scotia, and it is with some concern that we reflect how precarious your Majesty's possession may be thereby rendered in a country, that might be made very useful to your Majesty's European Dominions, by its Fishery and Naval Stores : But notwithstanding this, it might be adviseable, at least, till more British inhabitants shall be settled there, and the Indians brought over intirely to your Majesty's interest, that the French should not be treated in the manner they deserve for so undutiful a behaviour. And for the present, it may be sufficient that your Majesty's Governor there, should have a discretionary power to debar the French from those advantages your Majesty's other subjects enjoy, particularly that of the Fishery, till they shall have taken an oath of allegiance : But when he shall find himself in condition to compel them to it, he may then take the proper measures to oblige them either to pay due acknowledgmts. to your Majesty's Governmt., or to quit ye country. In the 4th Article of the Cols'. Memorial, he proposes, that annual presents should be made to the Indians, to engage them in your Majesty's intrest, and to secure the fur trade to your Majesty's subjects there. This, it seems, was the custom of ye French whilst they possesst that country, and had a good effect in their favour : But we presume Mr. Phillips will be better able to judge whether it be necessary to continue this custom, after he shall have spent some time in that country, and if he shall then be of opinion, that ye Indians may be thereby effectually brought over to your Majesty's intrest, ye money may be well bestowed. But we humbly conceive it may be necessary to settle the limits between your Majesty's said Province, and the territories of France there, as is desired in the 5th Article of the said Memorial, because we apprehend the French are daily incroaching in those parts from the sides of the River of Canada and from Cape Breton ; Wherefore we would propose that a Commissary, subject to the Governor's direction, should be sent thither as soon as possible, to view the boundaries, and make his report thereupon to your Majesty ; And in order to prevent effectually any such incroachments for the future, as well as to protect your Majesty's subjects in the fishing trade in those parts, we are humbly of opinion, that the advice offer'd upon this subject to your Majesty by the Comptrollers of the Army, in their report abovemention'd, may be much for your Majesty's service, that is to say, that no more expence shou'd be made in the fortifications of Annapolis Royal, than what shall be thought absolutely necessary for securing the necessary stores and provisions, and

1718.

for protecting the garrison and inhabitants from surprize ; But that a small fort shou'd be built for securing the harbour of Annapolis Royal, that one other lesser fort shou'd be erected at Jenny's Streight, the entrance into the British River, going up to Annapolis Royal, and the great Bason, etc. *Quote Comptrollers' Report . . . Continue* :—And in addition to these it may likewise be necessary for your Majesty's service, that a fort shou'd be erected at the Gut of Canço, to protect your Majesty's subjects from the incroachments of the French on that side ; all which forts may be garrison'd by detachments from Annapolis. In case your Majesty shou'd approve of this proposal, it may be necessary that an Engineer shou'd be sent to view the harbours and coasts, in order to report to your Majesty the most convenient places and means for erecting the said small forts ; who may likewise be employ'd as Commissary to settle the boundaries of Nova Scotia. It will also be for your Majesty's service, that another person well skill'd in Naval Stores, shou'd be appointed to survey the woods and inland country, that your Majesty may have a perfect account, what trees there are proper for timber, masts and making of tar and what land there is proper for raising of hemp. Col. Philips proposes, in the 8th Article of his Memorial, that a small vessel shou'd be appointed to attend the service of the Government there, and that all your Majesty's subjects, who may come to fish there, shou'd have liberty to cure their fish upon the coasts, which we conceive to be highly reasonable, such a vessel being necessary for carrying orders, and keeping a communication with the several forts and settlements in his Government. And we humbly offer for the better advancement of the Fishery, that in all grants to be made of land, in your Majesty's said Province, a reservation be made of a certain space of ground from high water mark, to be kept free for any of your Majesty's subjects to erect stages and other necessary conveniences for managing and curing of their fish. But we beg leave to lay before your Majesty, the necessity and consequence of giving all possible encouragement to such persons as shall be inclin'd to settle in this Province, for which purpose it may be proper, that Col. Philips shou'd have a Commission under the Great Seal, and all the same powers and Instructions for his conduct there, more particularly relating to the disposal of lands, with other Governors of your Majesty's Plantations, so far as the same may be practicable in so young a Colony, wch. we are persuaded may be render'd very useful to Great Britain, tho', we have reason to believe, the French do at present, notwithstanding their cession of that country, continue to reap much greater advantages from thence than your Majesty's own subjects. *Autograph signatures. Endorsed, R. 10th June, 1718. 12 pp. Enclosed,*

550. i. Copy of Col. Philips' Memorial. [C.O. 194, 23. Nos. 30, 30 i. ; and (without enclosure), 218, 1. pp. 362–375.]

May 31.
Bermuda.

551. Lt. Governor Bennett to the Council of Trade and Plantations. *Repeats part of letter of 29th March, etc. Continues* :—Since that, I understand [the pirates at Providence] have

1718.

altered their treatment and sent threateningly to the Capt. [of *H.M.S. Phoenix*], whose ship lay att anchor in the harbour, to be gone, or it should be worse for him, soe that I conclude all have surrendred that intends, and the inclosed affdts. demonstrates several again are gone out on the account and proves more cruel than formerly : I fear they will soon multiply for to many are willing to joyn with them when taken, and with submission if some speedy care be not used to suppress them the trade into and out of the West Indies will greatly suffer, besides the miserable consequences of their inhumanities : As for the circumstance of the inhabitants of this country, we are much worse than any other place, for our general way of begining voyages is to goe to the Bahama Islands or Turks Islands for a load of salt, which many of the pirates well know, and consequently when they want a sloop or provision can tell where to meet Bermudeans : and before H.M. Proclamation to encourage them to come in and surrender, they often sent me word by masters of vessels they had taken, that if a pardon did not come out very soon they were resolved to attack this Island and make a new Madagascar of it, and now they give out, that when the men of war cruses upon them amongst the Bahama Islands, they will joyn all the forces they can and come and take this country : and before those pirate vessels that went lately out from Providence there were several others att sea (vizt.) one Tatch with whom is Major Bonnett of Barbados in a ship of 36 guns and 300 men, also in company with them a sloop of 12 guns and 115 men, and two other ships, in all which, it is computed there are 700 men or thereabt., one Coudon in a sloop of 12 guns, 6 pattireroes, 12 brass bases and 130 men, a French ship of 30 guns and 350 men most of that Nation, a French sloop of 6 guns and 40 men, one Vaine in a sloop of 6 guns and 60 men, and several others may be out that I have not been inform'd off, but if what is known should joyn together they will be much superior to what force we can make to oppose them, as yor. Lordps. may be pleased to see by the account of the number of inhabitants I lately transmitted, and one third of them att least must always be supposed to be att sea, for without employing our navigation we must starve, this country not produceing sufficient for a quarter part of the people that lives in it, and as for the negro men they are grown soe very impudent and insulting of late that we have reason to suspect their rising, soe that we can have noe dependence on their assistance but to the contrary on occasion should fear their joyning with the pirates. What I would humbly propose to put this country (in all opinion) under a circumstance of security both agt. the pirates, and negroes, would be, to make up the complemt. of the Independent Company now here to 100 men, 4 serjts., 4 corporals, and two drumrs. ; also that another company consisting of the like number with officers be sent over, both the additional men and the other company to be young fellows and breed to handycraft trades, which would be a great benifit and advantage to the Island in general : Also with submission it would be absolutely necessary that one fourth rate man of war or two fifth rates be ordered here, the pirates haveing

1718.

frequently made, some few leagues to the westward of us their cruseing ground. As for the number of Militia we have, they are (as I have heard many say) as good as any in the West Indies, and are always ready on occasion, and the fortifications in a very good condition, soe that if any attempt be made i'll do what possibly I can with the few men I have to defend this important place in respect to trade both into and out of the West Indies, for were it in an enemys hands it lies soe very much in the way few vessels would escape, if the most advantage should be made of it's scituation. If it be concluded on to send the souldiers desired, subsistance must be constantly supplied, it not being possible to quarter and put them on credit, the inhabitants being generally soe poor that they can neither lodge nor provide for them. On 1st Aprill arrived here a sloop called the *Elizabeth* that belonged to several persons of these Islands, which was taken att Turks Islands on 15th Jan. by one Capt. Fife, who was mate of a sloop belonging to St. Christophers, and being att anchor in St. Johns harbour att Antigua, on 11th Nov. last, in the night five of his own men with two others surprised him in his cabbin and told him they were resolved to run away with the sloop a pirateing, and he their mate must take the comand of her, which he refusing (as he says) they put a pistol to his brest and swore if he would not take up the sword he should have that (meaning as he supposed they would shoot him) and finding them resolute he was obliged for preservation of life to doe as they would have him *etc.* They forced several of the *Elizabeth's* men to goe along with them, and obliged Fife to continue the comand, and soe proceeded a pirateing in the *Elizabeth*, and took several vessels some men voluntarily joyning; On 14th March last in the evening the sloop being att anchor near Portorico (an Island belonging to the Spaniards) a conao was espied near the shoar, whereupon their boat was got ready and all the profest pirates but three went on board and put off and stood for the conao. Upon which Capt. Fife and the rest of the forced men took the opportunity and secured the three pirates and cut the cable with the intention of standing out to sea, but the sloop falling off the wrong way and the pirates in the boat judging what they in [*the*] vessel were about turn'd and stood back again, and came soe near the sloop before they could get under sail, that they fired over them with their small arms, but the gale springing up the sloop got away and went to Turks Islands, and from thence brought her hither and surrendered themselves to me being in number fourteen: but I could not give them certificates of such surrender because the piracies committed were after the 5th of Jan. last, therefore doe detain them till I hear from yor. Lordps. or the Rt. Hon. Mr. Secretary Addison to whom I have now wrote to the same effect for orders *etc.* Considering the whole circumstances and their bringing the sloop hither knowing it was the port she belonged to, I presume it may be reasonably concluded they were all actually forced men, and took the first opportunity to relieve themselves: This may be the case of others, should therefore be glad to receive Instructions as soon as conveniently may be *etc.* Signed, Ben. Bennett. *Endorsed*, Recd., Read 1st July, 1718. *Holograph.* 4 pp. *Enclosed*,

1718.

551. i. Deposition of Samuel Cooper, Mariner, of Bermuda, 24th May, 1718. Deponent was on board the *Diamond* sloop, Capt. Tibby, when she was captured off Rum Key, one of the Bahama Islands, by Charles Vain, Commander of the pirate sloop, *Ranger*. The pirates robbed and beat Tibby and the rest of the company. They had taken 12 vessels on their cruise, 7 belonging to Bermuda, including Edward North, Daniel Styles and James Basden. They beat the Bermudians and cut away their masts upon account of one Thomas Brown who was (some time) detain'd in these Islands upon suspicion of piracy *etc.* Brown, they said, had subscriptions of hands to the number of 70 to go out under his command upon the account of piracy and would give no quarters to Bermudians *etc.* Their expressions at drinking were Damnacon to King George and that they designed to be with us (meaning the inhabitants of these Islands) this summer *etc.* Signed, Samuel Cooper. *Copy.* 1½ pp.

551. ii. Deposition of Edward North, Commander of the *William and Martha* sloop, 22nd May, 1718. Captured 14th April, and maltreated by Vain as *preceding*. One of the company they bound hands and feet and ty'd (upon his back) down to the bowspritt with matches to his eyes burning and a pistol loaded with the muzzle into his mouth, thereby to oblige him to confess what money was on board *etc.* *Corroborates preceding.* On 23rd April lying at anchor at Exuma, together with John Peniston Commander of a sloop of this Island, he was again captured and robbed by Vain *etc.* They informed deponent that they had taken a ship belonging to New England, two sloops of Jamaica, one of these Islands, some of whom they acknowledged to have used very barbarously by beating them *etc.*, and that they had increased 20 in their number of men in about 9 days. About 1st April deponent met with a New England ship which had been taken by a French pirate sloop of the coast of Spaniola, who beat him with all his company, and forced the mate and others to proceed with them. Signed, Edward North. *Copy.* 2 pp.

551. iii. The above are true copies *etc.* Signed, B. Bennett.

551. iv. Deposition of James Mack-Culle, mariner, of Bermuda, 16th May, 1718. About 15th April, Daniel Styles at Ilethera informed deponent that Vain had taken and robbed him and James Basden *etc.* When deponent departed from Providence there was about 200 men remaining there *etc.* Signed, James Mack-Culle. *Copy.* 1½ pp.

551. v. Deposition of Nathaniel Catling, Mariner, of Bermuda, 17th May, 1718. One of the crew of the *Diamond*. Confirms No. 1. After beating them all, the pirates of the *Ranger* hanged up deponent by the neck untill they

1718.

thought he was dead. Perceiving he began to revive, one of them cut him with a cutlass over the collar-bone, till one of their own gang contradicted it *etc.* *Signed*, Nathl. Catling. *Copy.* 2 pp.

551. vi. Deposition of Joseph Besea, Mariner, of Bermuda. 28th May, 1718. On 19th April, being in command of a sloop called the *Samuel*, deponent was taken nigh Crooked Island one of the Bahama Ilds. by Cha. Vain, who robbed and cruelly beat him and the major part of his company. *Confirms Nos. i. and ii.* *Signed*, Joseph Besea. *Copy.* 1 p.

551. vii. Deposition of Nathaniel North, mariner, of Bermuda. 22nd May, 1718. *Confirms Nos. i. and ii. etc.* *Copy.* 2 pp.

551. viii. Deposition of John Tibby, of Bermuda, Commander of the *Diamond* sloop *etc.* *Confirms Nos. i., ii., vi., etc.* *Signed*, John Tibby. *Copy.* 2½ pp.

551. ix. Deposition of Lewis Middleton, mariner, of Bermuda. 28th May, 1718. Commander of the sloop *Fortune* he picked up three men among the Bahama Islands, who said they had been turned adrift by pirates. They presently seized his sloop and went to cruise upon the account of piracy *etc.* *Signed*, Lewis Middleton. *Copy.* 1½ pp.

551. x. Deposition of William Hall, Master of the *Penzance* of Bermuda, captured and robbed by Vain *etc.* *Confirms Nos. i., ii.* *Signed*, Wm. Hall. *Copy.* 2 pp. [*C.O.* 37, 10. *Nos.* 10, 10 i.-x.]

June 2.
Philadelphia.

552. Lt. Governor Keith to Mr. Popple. I should be extremely glad to know if my letters last year, came to hand, for I have not yet received any direction from White Hall relating to this Government, tho it be very much wanted in some cases. Some laws have been passed here for the support of Government, wherein duties that have been formerly laid, were either renew'd or continued for a longer time, and this rule has been observed, that our duties arising from any part of trade are more than one half less than the duties of the same kind which are now at this time exacted in the neighbouring Provinces of Virginia, Maryland and New York, whereby we humbly hope that our laws cannot run the risque of being disapproved, unless those of the same nature in the other Provinces be also repealed, for otherways a great inequality and much inconvenience would insue to the mutual commerce of these Colonies with one another if anything therefor of this nature be suggested with you, I beg that I may have a fair opportunity to give the Board a full and distinct information how that matter really stands amongst us *etc.* *Signed*, W. Keith. *Endorsed*, Reed. 17th Nov., Read 4th Dec., 1718. 2 pp. [*C.O.* 5, 1265. *No.* 108; and 5, 1293. pp. 158, 159.]

June 3.
N. York.

553. Governor Hunter to Mr. Popple. *Abstract.* Hopes for a letter from him. Complains of the perpetual drudgery imposed

1718.

upon him by his enemies in answering the repeated complaints of "that poor crack'd man, Mulford." Regrets "that unhappy difference at Court." Must wait for a ship of war before sailing on leave, pirates being busy on the coast. Fears H.M. pardon will have small effect upon such wretches. Whatever his fate, he remains in the strictest bonds of friendship *etc.* *Set out*, N.Y. Col. Docs. V. 504. *Signed*, Ro. Hunter. *Endorsed*, Recd. 19th, Read 22nd July, 1718. *Holograph*. 2 $\frac{3}{4}$ pp. [C.O. 5, 1051. No. 70; and 5, 1124. pp. 29-31.]

June 3.
New York.

554. *Same* to the Council of Trade and Plantations. By a ship arriv'd here about ten or twelve days agoe I had a letter from Mr. Philips informing me that I had by that conveyance the honor of your Losps. commands as to several matters, but not receiving any such I conclude that your Losps. dispatches must be on board of Hopkins who sail'd with this ship but is not as yet arriv'd, but I was more surpriz'd by an Order from the Lords Commissioners of Appeales to cease all proceedings against Mr. Mulford or his security untill H.M. pleasure should be known in relation to the complaints he has prefer'd against me. For by your Losps. commands I transmitted to your Losps. my answers to ye sd. groundlesse complaints by several ways and have now againe to Mr. Philips as much as remains in my power (having sent many original papers by the former conveyances) in order to their being lay'd before your Losps. or any other board which Mr. Mulford or his friends shall think fitt to disturb with that matter. It seems my answer is still wanted before the Lords of Appeals; I never heard that the matter was carried thither, but if what I have formerly sent to your Losps. and what I have now againe sent to Mr. Philips be not a sufficient answer to what that craz'd man has represented I know not what can be esteemed so. Unlesse the testimony of every individual person in this Province (which I can procure a very few excepted) under their hands affirming every individual article in these papers of complaints which any way relate to me or my conduct to be false or falsely stated be expected from me. If by any strange accident none of my former letters relateing to that matter be come to your Losps. hands Mr. Philips will now lay before you what I have transmitted to him, but if you have recieved the former these are superfluous. The Assembly here is mett but seem to desire to be adjourn'd till the fall for reasons which I have hinted to Mr. Philips. I have however desir'd them to continue their sitting some time in hopes of having your Losps. commands by Hopkins in a few days. The duplicates of the Acts of Assembly minutes of Council and other publick papers not being as yet finisht, (the ship which carried them having departed from hence lately) I shall by the first conveyance after they are finisht transmitt them with the necessary observations to your Losps. With this your Losps. will receive the quarterly accounts of the export and import of this Province which is all the trouble I shall presume to give your Losps. at this time but to assure you that I am with the deepest sense of gratitude and all due honor *etc.* *Signed*,

1718.

Ro. Hunter. *Endorsed*, Recd. 19th, Read 23rd July, 1718. *Holograph*. 3 pp. [C.O. 5, 1051. No. 71; and 5, 1124. pp. 31-33.]

June 12.

Plantatn.
Office,
Whitehall.

555. Bryan Wheelock to Mr. Carkesse. In the absence of Mr. Popple, encloses for the opinion of the Commissioners of Customs thereon an Act of Jamaica, 1714, for *ascertaining the number of ports of entry, and obliging officers to keep deputies at such ports and to prevent all clandestine trade*. [C.O. 138, 16. p. 114.]

June 18.

Charles Towne,
South Carolina.

556. Governor Johnson to the Council of Trade and Plantations. The unspeakable calamity this poor Province suffers from pyrats obliges me to inform your Lordships of it in order that his Majestie may know it and be induced to afford us the assistance of a frigate or two to cruse hereabouts upon them for we are continually alarmed and our ships taken to the utter ruin of our trade; twice since my coming here in 9 moneths time they have lain off of our barr takeing and plundering all ships that either goe out or come in to this port, about 14 days ago 4 sail of them appeared in sight of the Town tooke our pilot boat and afterwards 8 or 9 sail wth. severall of the best inhabitants of this place on board and then sent me word if I did not immediately send them a chest of medicins they would put every prisoner to death which for there sakes being complied with after plundering them of all they had were sent ashore almost naked. This company is comanded by one Teach alias Blackbeard has a ship of 40 od guns under him and 3 sloopes tenders besides and are in all above 400 men. I don't perceive H.M. gracious proclamacon of pardon works any good efect upon them, some few indead surrender and take a certificate of there so doing and then severall of them return to the sport again; notwithstanding there has for this 3 moneths last past been a man of warr Capt. Perce Comr. at Providence severall sloopes have fitted out a pyrating from thence dureing her being there and I am credibly inform'd there are above 20 sail now in these seas so yt. unless ships be sent to cruse upon them, all the trade of these American parts will be stopt, for hardly a ship goes to sea but falls into there hands. As to the warr wth. the Indians I have since my coming made peace wth. severall nations perticularly the great nation of the Creeks who live to the southward near St. Augustin, but Treatys with them are very precarious, so long as the French from Movele and Spaniards from St. Augustin live and have built forts amongst them and doe continually by presents and furnishing them with arms and ammunission and buying the slaves and plunder incourage them to warr upon us, this is certainly fact and I can have no redress altho have severall times demanded it. Servants slaves robbers and debtors frequently escape from hence there and when demanded can have no return from the Governor but that he will send to the King his Master to know his pleasure therein and soe are always kept and protected; a sloop arived here from Providence about six days agoe but I cant learn Capt. Rogers Governor of those Islands is yet arived there, 'tis to be hoped he has frigats with him and a good force of land men otherways he will runn some resque

1718.

of being attact by pyrats for it being there nest and rendevous they will be unwilling to have the place setled, I am advised there are 6 or 700 now there, *etc.* *Signed*, Robt. Johnson. *Endorsed*, Recd., Read 28th Aug., 1718. 3 pp. [C.O. 5, 1265. No. 106 ; and 5, 1293. pp. 154-157.]

June 18.
Whitehall.

557. Council of Trade and Plantations to Mr. Secretary Craggs. *Enclose* extract of Governor Hamilton's letter, (15th March) relating to the Spaniards and Crab Island, "conceiving the same to be of such moment, that no time should be lost in laying the state thereof before H.M., that H.M. may be pleased to signify his Royal pleasure thereupon to his Governor of the Leeward Islands, and give such further directions therein as so extraordinary a proceeding may deserve." *Enclose* extract from same letter relating to the want of ships of war to protect the Leeward Islands *etc.* *Autograph signatures.* 1 $\frac{3}{4}$ pp. *Enclosed*,

557. i. Extracts from Governor Hamilton's letter, 15th March. 2 pp. [C.O. 152, 39. Nos. 129, 129 i.; and (without enclosure) 153, 13. p. 309.]

June 18.
Whitehall.

558. Council of Trade and Plantations to the King. In reply to order of 16th March. Repeat representation of Jan. 27 q.v. "H.M. Order was not delivered to us till the 10th inst. (near 3 months after the order of confirmation, Feb. 13th, was sent away), before which time we had no notice of any complaint against the said Act." *Set out*, N.J. Archives, 1st Ser. IV. 366. [C.O. 5, 995. pp. 440, 441.]

[June 19.]

559. William Mathew, Lt. Governor of St. Christophers (v. 23rd March, 1716) to the Council of Trade and Plantations. *Prays that* Charles Payne, Benjamin Estridge and John Garnett may be appointed members of Council of St. Christopher in the room of John Panton and Ralph Willett, decd., and John Helden resigned. They are men of steady loyall principles to H.M., of best repute and estates in that Island *etc.* *Endorsed*, Recd., Read 19th June, 1718. 1 p. [C.O. 152, 12. No. 93 ; and 153, 13. p. 314.]

June 19.
Whitehall.

560. Council of Trade and Plantations to the Lords Commissioners of the Treasury. *Enclose* extract of letter from Governor Hamilton relating to the inhabitants of Anguilla, (15th March), and repeat their suggestion for settling St. Kitts. (v. 16th Oct., 1717 *etc.*) [C.O. 153, 13. pp. 316, 317.]

June 20.
Whitehall.

561. Mr. Popple to Governor Lowther. Encloses Acts of Barbados passed since H.M. accession, with the observations of the Council of Trade thereon. *Some are marked "expired," some "to lie by probational," etc.* The Board are surprized that they have received no letter since 20th July, 1717, and send a list of publick papers wanting for their information *etc.* P.S. They have now received letter *etc.* of 9th May, 1718. [C.O. 29, 13. pp. 459-466.]

1718.

June 20. **562.** Mr. Popple to Mr. Carkesse. Encloses copy of Order of
Whitehall. Council, 14th May, in reply to 20th March *etc.* [C.O. 5, 1293.
p. 153.]

June 20. **563.** Mr. Tickell to Mr. Popple. Mr. Secretary Craggs has
Whitehall. signified the King's pleasure to Mr. Stanhope, H.M. Minister at
Madrid, that he make a complaint at that Court of the Spaniards
having seized Crabb Island in the West Indies, and drove out the
inhabitants there *etc.* Signed, Tho. Tickell. Endorsed, Recd.,
Read 20th June, 1718. 1 p. [C.O. 152, 12. No. 95; and 153,
13. pp. 317, 318.]

June 20. **564.** Mr. Popple to Mr. West. Encloses, for his opinion
Whitehall. thereon, Act of Antigua, 1718, to enable Arthur Freeman and
Dorothy his wife to sell and convey a certain plantation, to make
provisions for Henry Simms and Eliz. Athy, children to the said
Dorothy by her former husband, George Symms decd. [C.O. 153, 13.
p. 318.]

June 20. **565.** Lt. Governor Doucett to the Council of Trade and
Annapolis Plantations. Refers to enclosures. Continues :—Upon my answer
Royal. (No. iii.) they [the French inhabitants of Minis] sent a person to
Cape Breton, to see what the French King will doe with them,
they haveing in the late Queen's time signed an agreement wth.
one Capt. La Ronde Denys to remain subjects to His Most
Christian Majesty, the same gentleman haveing been sent on
purpose from Cape Breton, who promis'd them great advantage's
in that Island, but upon some of them goeing thither they found
nothing answer to the promises made them upon which most of
them came back again and have lived here ever since without
acknowledging H.M. King George, and keep their lands upon the
same engagements and acknowledgements to the French as when
the country was in their possession. The inhabitants have allso
sent a person from hence to Cape Breton on the same errand as
those of Minis, by whom I sent the paper (No. iv.) to the Govr.,
and haveing had an oportunity of an Indians goeing to Canada, I
sent a letter to the Marquiss de Vaudriel (No. v.), but as yett have
had no answer to either. Some of the Indians of this country
seem to be sett on by the preists, or people as bad, to pretend that
the country belongs only to them, and that neither the English or
French have any thing to doe here, and have insulted and used
the like argument's to some of our traders on the coast, but yett
are very civill when they are in reach of our country, and who are
as civilly treated by us, some of them own that the French inhabi-
tants would willingly have them differ with us, but I hope your
Lordships will find a method of sending them some presents,
which would easily prevent the influence those wicked incendiarys
have over them. I am inform'd att this time, that the Indians
are gone to Cape Breton, for presents sent there by the French
King. The truth of which a little time will shew *etc.* Signed,
John Doucett. Endorsed, Recd. 19th Dec., 1718, Read 10th Feb.,
1719. 2½ pp. Enclosed,

1718.

565. i. Lt. Governor Doucett to the French Inhabitants of Minis. *Acknowledges letter v. No. 371 iv.* If you doe not comply with the oath required, you will oblidge me to forbid H.M. subjects to trade with you, and if any from Canada, Cape Breton, or any part belonging to the French King shall presume to trade in the territorys belonging to the King of Great Britain, contrary to the Articles of Peace, I shall not only represent it to the King (my Master) but seise all such vessells as lawfull prises *etc.* You ought to consider in whose Dominions you live, and not longer pretend to capitulate *etc.*, you having it in your own choice to become subjects to the King of Great Brittain and remaine or retire *etc.* *Signed, John Doucett. Same endorsement. Copy. 1 p.*
565. ii. Père Felix to Lt. Governor Doucett, Mines, 29th March (N.S.) 1718. *Acknowledges letter etc. v. Feb. 10.* The people are sufficiently instructed in their duty, without my help *etc.* I am only here to keep them with God *etc.* I am resolved not to give them any advice one way or the other *etc.* *Signed, F. Felix. Same endorsement. Copy. French. 1 p.*
565. iii. Lt. Governor Doucett to Père Felix. Annapolis Royal, 26th March, 1718. I think you acct very prudently in leaveing the people to themselves in temporal affairs, by which they can lay noe blame on you, if they suffer for accting contrary to reason *etc.* I shall henceforward esteem you to be a person of integrity *etc.* *No signature. Same endorsement. Copy. $\frac{3}{4}$ p.*
565. iv. Lt. Governor Doucett to M. St. Ovide Brouillan, Governor of Cape Breton. Annapolis Royal, May 15, 1718. I wish you joy of your new Commission *etc.*, with which I don't doubt, but you have had advice of the firm alliance between the King of Great Britain and his most Christian Majesty *etc.* *Complains that (i.)* "several of your vessels last year took severall thousand quintalls of fish on our coast, and dry'd them on the same, contrary to an Article in the late Peace" *etc.* *Desires him* to order French subjects to desist for the future. (ii.) Severall people from Cape Breton have settled and built themselves houses and stages for the fishing in severall parts of H.M. dominions of Nova Scotia, especially one Latonde, at Cape Cancer, and who has done great damage by incensing the savages against H.M. subjects. The rest of the French inhabitants who live on the coast dayly doe the same *etc.* *Desires him* to order Latonde and all who have not H.M. permission to reside on the coast of Nova Scotia, to retire. (iii.) The agreement between the French inhabitants, and Capt. La Ronde Denys, not haveing been comply'd with, has been a great detriment to these Dominions, *etc.* "I therefore expect, since it has not been perform'd in

1718.

the time allow'd by her late Majesty for their retireing out of this country, it may be annull'd, if the inhabitants desire, but if any of them shall not so desire, that then you will provide for their retireing into his Most Christian Majesty's Dominions, as speedily as may be. To all which I with impatience wait the honour of your answer" *etc.* Signed, John Doucett. Same endorsement. Copy. 2 pp.

565. v. *Same* to the Marquiss de Vaudriell, Governor of Canada and Quebec. Annapolis Royal, April 15, 1718. I have the honour to succeed the late Lt. Governor of this place. I shall doe my best endeavour to fulfil the agreement between Great Brittain and France *etc.*, and doubt not yor. Excellency's readiness to comply with the same ; for which reason I much desire your Excellency to send me a line or two hither to shew the inhabitants, that those who have a mind to become subjects to the King of Great Brittain has free liberty, according to the articles of peace, and order those who shall not to retire to Canada *etc.* I also desire your Excellency will communicate to them and the savages, the firm alliance between the two Crowns *etc.* Also if the Bishop of Canada would give orders to all the Missionarys not to acct anything contrary to King George's intrest in these his Dominions, which if they doe, I must be oblidged to use such methods, as would not be pleaseing to me or to them *etc.* Signed and endorsed as preceding. Copy. 1½ pp. [C.O. 217, 2. Nos. 54, 54 i.-v.; and (without enclosures) 218, 1. pp. 378-381.]

June 21.
Jamaica.

566. Governor Sir. N. Lawes to the Council of Trade and Plantations. *Encloses copy of May 3rd.* since which I have not been favour'd with any of your commands. With the unanimous advice of the Council, I have issued writts for the calling of an Assembly, which is to meet on the first of August next, and I have no reason to doubt, but they will meet with a disposition to do their country service, and support the honor and dignity of the Government. Herewith yor. Lordps. will receive two accounts current of H.M. revenue, *etc.* (v. encl. i.). As to H.M. Instruction to transmit the number of inhabitants *etc.*, I have not yet received musters of all the Militia regiments nor returns from the Parish books from whence this account must be collected. But I have given directions to the proper officers to prepare such lists, which shall be transmitted *etc.* I have likewise given particular directions to the Commissary to send me an account of the births christnings and burials. But I am afraid he will not be able exactly to comply with the same, by reason that some parishes want Ministers, and in those there are not any registers made of these particulars, in others lame and imperfect accounts are kept so that there is no dependance to be had upon them. I thought to have sent yor. Lordps. by this conveyance the Naval

1718.

Officers accounts of entrys and clearances *etc.* and the number of negros imported *etc.* But he informs me, that the last quarter's accot. is not due till the 24th instant. I have not yet had an oportunity of viewing the fortifications *etc.* I am daily in expectation of the arrival of an Engineer, and then I will take a survey, and order plans to be made of them, which when done shall be carefully transmitted. It is with great concern that I must still acquaint yor. Lordshps. of the dayly complaints I receive of pyracys and robberyys committed in these parts, insomuch that there is hardly one ship or vessell, coming in or going out of this Island that is not plunder'd. And this in great measure I impute to the neglect of the Commanders of H.M. ships of warr, who are said to be appointed for the suppressing of pyrates and for a security to this Island, and protection of the trade thereof, but in reality by their conduct, have not the least regard to the service they are designed for. There are innumerable instances of it. The *Ludlow Castle* which brought me hither was order'd by Capt. Jacob to sail to the Spanish coast in six days after I landed; and she actually sail'd full of merchandize, without giving me the least notice thereof, so that I had not an oportunity of notifying my arrival to any of the Spanish Governors. And I am still altogether a stranger when that ship is to return. The *Winchelsea* has not been here since my arrival. I am given to understand she is likewise a trading on the Spanish coast. And the *Diamond* sail'd about ten days agoe full of goods (as I am inform'd) for the coast of New Spain. So that ye *Adventure* and *Swift* sloop going home with this fleet, the Island and it's trade will be left without any of H.M. ships for their protection. Your Lordppps. undoubtedly are sensible that the men of warr carrying goods and merchandize must be a very great discouragement to the fair trader, and to the seafaring men belonging to this Island, who ought to be encourag'd they being a considerable strength and security to us, and more especially to ye town of Port Royall which hath now almost lost its trade. And I can attribute that to nothing more than the men of warr's transporting goods and merchandize which otherwise would be done by vessells belonging to the Island, and consequently be a livelihood to numbers of seafaring men, who now have not bread for want of employment, which is the chief occasion of so many of them going a pyrating. I hope yor. Lordshps. as you have always espous'd and endeavour'd the good and prosperity of this Colony, will now be pleas'd to lay this matter before H.M. for redress for should the men of warr continue under the same regulations they now are they will be of little service to this country. *Signed*, Nicholas Lawes. *Endorsed*, Reed. Aug. 29th, Read Sept. 3rd, 1718. $4\frac{3}{4}$ pp. *Enclosed*,

566. i. Account of H.M. Revenue in Jamaica 25th March 1716-29th Sept., 1717. *Endorsed as preceding.* $5\frac{1}{4}$ pp.

566. ii. Account of H.M. Revenue in Jamaica, 29th Sept., 1717-25th March, 1718. *Signed*, James Knight, Receiver Genll., Deane Poyntz, Dep. Auditor, Nicholas Lawes. $6\frac{1}{2}$ pp. [C.O. 137, 13. Nos. 13, 13 i., ii.; and (without enclosures) 138, 16. pp. 121-126.]

1718.

June 23.
Tofts in
Essex.

567. Mr. Barrington to Mr. Popple. Asks that his nephew, Mr. Yeamans, may be appointed to the Council of Antego. He has a considerable Plantation there, and is ready to embark ; a young gentleman of very good parts and learning and of great affection and zeal to H.M. *etc.* *Signed*, J. Barrington. *Endorsed*, Recd. 25th, Read 26th June, 1718. 3 pp. [C.O. 152, 12. No. 98.]

June 24.
Virginia.

568. Lt. Governor Spotswood to the Council of Trade and Plantations. The General Assembly which I have now on foot here, being at their own desire under a pretty long adjournment, I take this opportunity to lay before your Lordps. a brief account of some of their extraordinary proceedings, because the Journals cannot be compleated till the determination of the Session *etc.* It is necessary, for the better understanding the temper of the present House of Burgesses, to give your Lordps. a view of the Arts by which they were chosen. No sooner was the resolution taken to call an Assembly upon what H.M. was pleased to recommend in relation to the regulating the Indian Trade, the making provision for the defence of the frontiers, and the reimburseing the expence of the late Indian Company, than the discontented party very assiduously applyed themselves to instill into the people a belieff that great sums would be required of them for this purpose, and that they would be entirely ruined, if they chose for their Burgesses any one who had an affection to the Governor : A specimen of the reasoning and good manners of the Party yor. Lordps. may find in the inclosed paper (No. i.), penn'd (as is credibly reported) by a Member of the Council, and dispersed with great industry through most countys in the Colony to poyson the minds of the populace. To increase the disaffection towards the friends of the Government, great care was also taken to possess the people with a partial account of the dispute about the Courts of Oyer and Terminer *etc.* A paper was drawn up in the nature of a grievance agt. those Courts, and sent all over the country to be signd by the people : and in order to make this go down the better some other popular propositions were coupled with it, such as the ascertaining officers fees by law *etc.* being what everyone desired to see regulated. But this train would not take, the people generally refusing to concern themselves therein ; and chusing rather to drop the article of the officers fees, than sign to that which they knew to be only calculated to enlarge the power of a party in the Council. So that this grievance of the Oyer and Terminer Judges came only recommended from two countys, and signd in one of them but by 18 and in the other by no more than 11 and all of them very obscure fellows. However having by great industry, in propagating calumnys, and the practices usual in elections got many of their relations, and others of weak understandings, and credulous tempers chosen for Burgesses, upon the meeting of the Assembly there appeared a majority of that party : And that yor. Lordps. may see what the state of the country then was, and what was expected of the Assembly on that occasion, I have here inclosed my Speech

1718.

(No. ii.) at the opening of the session : The flourishing condition of the trade and manufactures, the peace and tranquillity of the Colony, and the riches of the publick Treasury therein described, are all acknowledged (tho indeed in an awkward manner) by the Burgesses in their Address (No. iii.), because neither could be denied. And I hope yor. Lordps. by perusing these two papers will judge that I have in some measure answered the end of my mission here, when from a state of the greatest poverty, a general decay of all H.M. revenues, and a want of means to defend it self, this country has under my administration arrived at that flourishing estate it now enjoys in all the branches of its trade, and a bank of 14 or £15000 in its Treasury after all the publick debts are paid. The first remarkable step the Assembly proceeded in, was to address the King to revoke the late Instruction prohibiting the passing of laws which affect the trade and shipping of Great Britain ; To which they added another clause complaining of the power given the Governor to nominate the Judges of the Oyer and Terminer Courts, and praying that the Council may be the sole Judges of life and death (No. iv.). To sollicite this Address, they thought fitt to have a particular Agent : and to this purpose prepared a bill, whereby the Burgesses were of themselves impowered to name (barely by a resolve of their House) any person to be their Agent, by the like resolve to change him and put in another, and by the same power of a resolve to pay such Agents what sums they thought fitt without any concurrence of the Governor and Council. This power, tho strenuously contended for, by such of the Council as set the Burgesses to work, was nevertheless so ill relished by the soberer men of the same party, and so exclaimed against, by the other Gentlemen of the Council who are not in that interest, that it was at last rejected in the Council. And soon after a vote passed in the Burgesses House appointing Mr. Byrd their Agent, and assuring him of a suitable gratification for his trouble, and a select Committee appointed to prepare Instructions for him, (No. v.). By which yor. Lordps. will perceive what mighty occasion they have for throwing away the countrys money upon such an Agent when they have so little business for him to negotiate ; and when they were told that the transmitting Addresses to the Sovereign in any other manner than through the hands of the Governor had been disapproved by the late Queen upon a Representation from yor. Lordps.' Board in a case wherein this very Gentleman was imployed as Agent in 1702. But the truth is the main aim of constituting an Agent was disappointed by the miscarriage of their Bill, which would have enabled that party (if they were so weak as to imagine I would pass it) to dispose of every farthing of the publick money at their pleasure to their own friends, for by the same power of making and gratifying Agents by the resolve of their House, they might from time to time have nominated one another and given what sums they thought fitt for no service at all. That this is no unreasonable conjecture will appear from another step taken after their Agents

1718.

bill miscarried : A bill was prepared by the Burgesses, sent up to the Council and pass'd there, whereby £4000 of the publick money was directed to be put into the hands of Mr. Archibald Blair under pretence of entrusting him to put it out at interest for 4 pr. cent. pr. annum, of which he was to be allowed one half for his trouble : but with this express condition that if he did not lend it he should pay no interest at all. This Gentleman now a Member of the House of Burgesses, is brother to Mr. Commissary Blair one of the Council, and they two are in partnership with Collonel Ludwell in one of the most considerable trading stores in this country : and as this money being once placed in his hands by an Act of Assembly could not have been called out but by the same authority, and as there is in the Council a great majority of the relations of those Gentlemen ; should they have refused their concurrence to the recalling that money it must have remained in their hands without any interest to the country as long as they pleased ; And for this reason I have resolved to reject that bill. Having thus far given yor. Lordps. a summary of proceedings in relation to party interest, I shal next show what attempts have been made this session on the prerogative and interest of the Crown. I have already observed that the ascertaining and regulating the fees of divers publick officers was generally desired by the country, in regard the former laws being expired gave too great a liberty for exaction : This being therefore a very popular Act, it was believed a Governor would not so far disoblige the country as to reject it : and upon this view, the Party who always have their eyes very quick to watch all advantages for lessening the power of the Crown tack'd to this bill a clause for altering the power which the King has thought fitt to grant the Secretary of placing and displacing the County Court Clerks : These Clerks (according to their scheme) were to hold their places during the pleasure of the Justices of their respective Countys, who might suspend them, and put others in their room, saving only that the suspended Clerk had an appeal to the General Court, but tho he might be restored by that Court, he was to have none of the profites during the suspension. This bill thus framed being sent up to the Council, it was surprizing to find so many advocates for it among men sworne to defend the rights of the Crown, and this extraordinary argument used for passing it, That County Court Clerks being often chosen Burgesses, it gave the Governor too great an interest, in that House over persons who thus held their places during the pleasure of an officer of the King's immediate appointment, and that therefore it was necessary to transfer the dependance of these Clerks upon other masters. An argument worthy of the King's Council ; to deprive H.M. of the service of all those who had any obligation to promote his interest ; and is the same in effect as was aim'd at, last Assembly for excluding all officers out of the House of Burgesses. But tho by this clause in the abovementioned bill they would thus have abridged the power of the Crown, they hoped thereby to draw a greater dependance on themselves as Judges of the General Court since everyone who had the misfortune to be suspended by

1718.

a prevailing party in his County Court, must ow his restoration or ruin to the present sett of Councelors, and consequently must depend more on their favour for keeping his office than on the Governor and Secretary who first gave it him. But I having very plainly declared that unless that clause was struck out, I would not pass the bill, and that they must be answerable for hindring the redress of the countrys only grievance, they thought fitt at last to leave it out, and so the bill is past, to the great satisfaction of the whole country : who tho they were earnest for ascertaining the officers fees, never made the least mention in any of their grievances of altering the power of appointing the clerks. Some time last Fall the Post Master General of America having thought fitt to endeavour the settling posts through Virginia and Maryland (in the same manner as they are settled in the other Plantations to the northward) in pursuance of the Act of Parliament of the 9th of Queen Anne, gave out commissions for that purpose, and posts were accordingly established once a fourtnight from Williamsburgh to Philadelphia and for the conveyance of letters brought by sea through the several countys. In order thereto the Post Master set up printed placarts (such as were sent in by the Post Mrs. General of Great Britain) at ye several ports requiring the delivery of all letters not excepted by the Act of Parliament to his Deputys there. No sooner was this noised abroad, but great clamour was raised against it. The people were made believe that the Parliament could not lay any tax (for so they call the rates of postage) on them without the consent of the General Assembly. That besides all their letters were exempted, because scarce any came in here but what some way or other concerned Trade. That tho the masters of the ships should for the reward of a penny a letter deliver them, yet the Postmr. could demand no postage for the conveyance of them, and abundance more to the same purpose as ridiculous as arrogant. This gave a handle for framing some grievances to the Assembly against this new office : and thereupon a bill is prepared and passd both Council and Burgesses, which tho it acknowledges the Act of Parliament to be in force here, doth effectually prevent its being ever put in execution. The first clause imposes an obligation on the Post Master to which he is no ways bound by the Act of Parliament. The 2^d clause lays a penalty of no less than five pounds for every letter he demands or takes from on board any ship, wch. shal be deemed to be excepted by the Act of Parliament, and the last clause appoints the stages and limits the time of conveyance of all letters under an extravagant penalty. As it is impossible for the Post Master to know whether the letters he receives be excepted or not, and that according to the interpretation our Judges give of the Act of Parliament all letters sent from any merchant whether it concern the merchandize on board or not are within the exception of the law, the Post Master must meddle with no letters at all or run the hazard of being ruined. And the last clause of the bill besides its contradiction to the Act of Parliament in appointing the stages wch. is expressly reserved to the Post Mr. General according to instructions to be given him

1718.

by the Sovereign, is so great an impossibility to be complied with, that considering the difficulty of passing the many great rivers, the Post Mr. will be under a penalty at 20s. for every letter he receives during the whole winter season because he cannot convey them in the time limited by this bill. From whence yor. Lordps. may judge how well affected the major part of the men are towards the collection of this branch of H.M. Revenue and will therefore be pleased to acquitt me of any censure if I refuse my assent to such a bill. To demonstrate further the inclination of these Gentlemen towards the King's Prerogative. A bill being brought in for altering the day for holding Courts in the County of Northampton, was thrown out upon the third reading, purely because there was in it a saving to the right of the King to alter the said Court days upon the application of the Justices to the Governor ; Tho the same salvo has been inserted in other bills of the like nature passd since my administration. And it is very remarkable that the Burgesses read this bill twice and had it engross'd, without objecting agt. this salvo, till by the Members who spoke against it at last, it came to be discovered they had acted contrary to the sentiments of their directors in the Council. H.M. recommendation of the Indian Company's expences on the publick service of this Government, has mett with the regard which might be expected from men of such principles as compose the leading party in both Houses of Assembly. The building the Indian School, the maintaining the guard at Christanna, and all the charge of repairing that fort, tho expressly enjoined by the Act of Assembly to be performed by the late Company, are now voted of no service to the country, and the charge thereof refused to be paid. The first instance perhaps in H.M. Dominions, where men have been obliged by law to performe a service for the publick in expectation of a benefite, and that benefite taken away, without any compensation for what was laid out to purchase it. And to render the whole proceedings of a peice, the Indian hostages taken for securing the Peace of the Colony are ordered to be sent back ; the Indian Trade voted to want no regulation : The Fort built for the defence of the frontiers resolved to be slighted : The Tributary Indians who in compliance with their Treaty, removed from a place of safety, to that Fort, purely to strengthen the barrier of the inhabitants, are voted to be entitled to no other protection than the other Tributarys (who refused to performe their engagements). And that for this extraordinary reason expressd in their votes, because these Indians were the only Nation of the Tributarys who did comply with their Treatys. Thus, my Lords, by the prevalency of a party, and their assiduity in debauching the minds of weak and inconsiderate men, all the measures which have been projected for the defence of the country are now overturned ; tho entered upon with the almost unanimous concurrence of the Council and the approbation of former Assemblys ; the Christianizing of the Indians, which was in so fair a way of being compass'd, defeated : the Kings authority encroachd on, his interest thwarted and opposed, his recommendation slighted ; and common justice denyed to those who have

1718.

laid out their estates for the publick service of the Government and on the publick faith. And after all this undutifull behaviour towards their Sovereign and neglect of the real interest of their country, it will be no surprize to find a paralel usage of H.M. Governor. When your Lordps. shal peruse my Speech and Messages, I'm perswaded you will not find therein anything which might give just occasion for their treating me with rudeness : but it having been of use to the same party to give unreasonable provocation to former Governors, and then to complain if any resentment was shoud thereof, the like means have been tryed with me, but without the effect they expected from it. I will not enter into the detail of the indecent behaviour of the House of Burgesses, such as their rude speeches on sundry occasions, insomuch as several of their own members have thought themselves obliged to call out for good manners ; their sending their Addresses and Messages, by such Members as were most notorious for opposing the King's service, and for treating me with abusive speeches in their House ; and their addressing me to lay before them an accot. of my journeys for the publick service of the Government, and then making a doubt whether any of them were of service, tho plainly set forth to them, to have been all undertaken by the advice and at the desire of the Council, and many of them in pursuance of the acts and resolutions of former Assemblys. As I knew all these steps were contrived to provoke me to a return of the like treatment, I have disappointed them, by showing an unconcern at all the little affronts they have offered : But I cannot think myself excusable should I forbear to let yor. Lordps. know from what fountain those streams of disaffection proceed. The eight Councelors who troubled yor. Lordps. with a remonstrance against the Courts of Oyer and Terminer are the very persons who infuse into the people jealousys of H.M. Prerogative, and of designs against their libertys, who influence the Burgesses to encroach on H.M. rights, to oppose his service, and to slight whatever comes recommended from the Crown : to distress the Government by opposing all measures for the publick safety ; and to traduce the Governor as a publick enemy to the country, and by these artifices keep up misunderstandings which otherwise would soon be removed and dissipated. I appeal to yor. Lordps. whether any of the measures I have put in execution here for the King's service, the advancement of his revenue or the safety of the Government has ever been faulted by yor. Lordps., as unrighteous to the people of the country ; On the contrary yor. Lordps. Board have done me the honr. to signify your approbation of most of them ; Yet these are the grounds of these Gentlemen's uneasiness. A Governor cannot contrive a surer way of gaining their disfavour than by strictly pursuing his duty and faithfully discharging his trust. Yor. Lordps. determination of the dispute about the Courts of Oyer and Terminer remains deeply rooted in their minds, and they have publicly declared at the Council Board that tho they could not help acquiescing, they were not convinced of the legality of that decision. Their behaviour towards me, ever since, has been far from owning themselves in

1718.

the wrong in that controversy: When the minds of some of the Council, heedlessly drawn into that dispute, began to waver, on seeing their pretensions condemned, and were thereupon willing to return to a good correspondence with me, Mr. Blair and Mr. Ludwell the chief engines of faction, found it necessary to keep up their spirits by a new invention, craftily insinuating from a paragraph of your Lordps. letter of the 30th of August, relating to the Councils giving different opinions as Councilors and as the Upper House of Assembly, that I had endeavoured to persuade your Lordps. to take away the Councilors votes in the passing of laws. An accusation which I'm sure your Lordps. will absolve me from. This, however false, has kept the whole eight closely united, in so much as my condescension to everything they could reasonably desire in order to a perfect reconciliation of all differences; an invitation to my house after they had slighted that reconciliation; and an entertainment there with all the freedom and civility I could give; has not prevailed with any one of the eight to make me the common complement of a visit: Nay when in order to the solemnizing H.M. Birthday, I gave a publick entertainment, to which all Gentlemen that would come were freely admitted; These eight Councilors would neither come to my house nor go to the play which was acted on that occasion: but getting together all the turbulent and disaffected Burgesses, had an entertainment of their own in the Burgesses House, and invited all the mobb of the town to a bonfire where they were plentifully supplied with liquor to drink the same healths without, as their masters drank within; which were chiefly those of the Council and their associated Burgesses, without taking any more notice of their Governor than if there had been none upon the place. And as the whole proceedings of this Assembly have been dictated by the Council, and most of their extraordinary resolves and messages drawn up by some of that Board, I hope your Lordps. will not be offended, if I begg you will be pleased to use your interest with H.M., to assign a Council to assist his Governor in carrying on the publick service, since the greater part of those he has, are become the advisers of the people to oppose H.M. interest. If men who use their offices against their duty were once divested of the power they enjoy by H.M. favour, and which they imploy to do evil; Virginia would soon be a quiet and peaceable country and your Lordps. would receive no more complaints. This may be exemplified by the late removal of some turbulent Councilors in New York and New Jersey, which has rendered that Government easy and obedient ever since: But in vain will H.M. change his Governors to silence factious clamours in his Plantations while those who first raise them, retain the same power to revive them again, whenever they find it necessary for gratifying their passions or interests. In this country the clamours and complaints of this very family, who now compose the majority of the Council, have succeeded so well as to remove two Governors already, while they themselves have kept their places; So that their offices begin to be accounted for life, from which no misdemeanor is capable of removing them. This gives

1718.

them great authority among the people, whose lives and estates depend upon their judgements, and makes other Gentlemen either cool in assisting the Government when they see men continued in the post of Councelors to H.M., who deserve it so little, or to judge that if preferment be the reward of opposing Government they ought to pursue the same steps to arrive at the same honour, *etc.*, *etc.* I shal conclude with declaring my dissent to that part of the Burgesses Address wch. petitions for a revocation of H.M. Instruction, restraining the passing of laws ; for according to the disposition of the people in these Plantations, the continuance of that Instruction, seems to me very necessary to guard a Governor against the importunate solicitations of Plantation Assemblies in many matters not fitt to be granted them. For my own part I could wish the passing of laws were more restrained, for I'm perswaded the present Council here, would gladly lay hold of any opportunity to promote popular bills, and then to traduce me among the people, if I refused my assent without express authority for my so doing. *P.S.* I send the old seal of this Colony, defaced according to yr. Lordps. commands. *Signed*, A. Spotswood. *Endorsed*, Recd. 4th, Read 7th Aug., 1718. 14½ pp. *Enclosed*,

568. i. Advice to the freeholders of the several countys in Virginia in their choice of Representatives to serve in the approaching Assembly. Having seen a rascaly paper entd. advice to the Freeholders in favour of a Court Party and tools of arbitrary power, to enslave and ruin a freeborn people and ye best, profitablest, and most peacefull Collony under the Crown of Great Brittain, to prevent which I thought it my duty to let you into the secret of the Court favourite party : you are to know Brother Electors, that this Assembly is calld for no other reason but to pay to ye Indian Company their charges *etc.* on Fort Christanna *etc.* It will cost 100,000 lb. of tobacco yearly to maintain it, and for no other end but to protect the Company's goods *etc.*, *etc.* You may remember how a former favourite Assembly had like to ruin'd our Country and which is not yet recovered nor ever will that mischievous land law, nor their privelidges of making laws to raise money to ease the levy by ye poll which we are now deprived of by that darling favourite Assembly passing those laws agt. ye law of England reason or justice which H.M. has been graciously pleas'd to repeal, *etc.* Therefore be careful how you chuse a favourite, one of ye Indian Compy. which now goes by the name of Thomas Jones and Company or one that makes his court to the Governour *etc.* *Endorsed as preceding. Copy. 2 pp.*

568. ii. Speech of Lt. Governor Spotswood to the Assembly of Virginia, 24th April, 1718. You have to dispose of the greatest bank of money that ever was at one time in the publick Treasury of Virginia, *etc.* Never was your produce more in demand, or afforded larger returns ;

1718.

never were taxes more moderate *etc.*, and never did your frontiers continue under a more perfect tranquillity, with respect to the Indians than for these four years past *etc.* *Refers* to the time when he restrained them from making war, and to his journey to New York to prevent the approach of the Indians of the Five Nations. If the Assembly desires further measures are to be taken to preserve those Indians' friendship, they will insist on negotiations being carried on at Albany, and the Assembly ought to pay the expences of the Governor's journeys *etc.* Hopes to keep up a good understanding with the Assembly, *etc.* *Copy.* 3 pp.

568. iii. Address of the House of Burgesses of Virginia to Lt. Governor Spotswood. *Reply to preceding.* Acknowledge the prudent conduct of the Government, and H.M. care of their trade, *etc.* *Same endorsement.* *Copy.* 1½ pp.
568. iv. Address of the House of Burgesses of Virginia to the King. *Congratulate* H.M. on the success of his arms against the rebels *etc.*, and return thanks for H.M. "great care of the trade of our mother country, of which wee tho verry remote feel the happy influence : and do firmly believe the present flourishing condition of this country is next to the Divine goodness owing to the wisdom of your Majesty's Councils and glorious administration" *etc.* We are humbly of opinion that by the Order in Council 31st July, 1717, and your Royal Instructions 27th Sept. last, your Majesty's subjects may be deprived of the best means of raising a revenue, let the emergency be never so great, till your Royal pleasure be known therein, which may prove of dangerous consequence to our future safety. Wherefore we most humbly implore yor. Majesty that you will be graciously pleas'd to allow us the liberty of making laws for ye good and support of this Colony as formerly, it being often needful laws should take place immediately and as the dependance wee have on trade will always make us cautious of laying unnecessary burthens upon it so the negative with which your Gover. is vested may always be an effectual barr thereto. *Pray for* H.M. Instruction to the Governor that the Judges of the General Court may be declared the only Justices of the Court of Oyer and Terminer *etc.* *Signed,* Danll. McCarty, Speaker. *Same endorsement.* *Copy.* 2½ pp.
568. v. Instructions from the House of Burgesses to William Byrd, Agent for Virginia. May 30, 1718. You are desired to lay before H.M. the Address of the House of Burgesses *etc.* The House send their Journal for your perusal, and in case any misrepresentation should be made of their proceedings you are to have regard to their honour. *Same endorsement.* *Copy.* 1 p. [C.O. 5, 1318. Nos. 49, 49 i.-v. ; and (without enclosures) 5, 1365. pp. 117-141.]

1718.
June 24.

569. Accounts of the victualling of the garrison of Annapolis Royal, 25th Dec., 1717,—24th June, 1718. 27 pp. [C.O. 217, 38. No. 3.]

June 24.
Whitehall.

570. Council of Trade and Plantations to Governor Hamilton. We have lately had under our consideration all the Acts pass'd in the Leeward Islands since the King's accession to the Throne which had not been consider'd before by the Board and have made observations upon some of them which we here inclose for your information and direction ; We take notice of one defect in the private Acts of the Leeward Islands, which have been pass'd by you that there is not a clause for saving the right of the King his Heirs *etc.* according to the 20th Article of your Instructions, and upon this occasion as well as from the observations we have made upon some of the publick Acts pass'd by you, We think ourselves oblig'd to admonish you to be very punctual in observing the several Articles of your Instructions relating to the passing of Laws, and to the transmitting of your particular observations upon each law. We must further take notice of your not transmitting to us the Minutes of Council and Assembly of each respective Island as you are directed to do by the 41st and 42nd of your Instructions, the inclos'd list will shew you what Minutes of Council and Assembly and other publick papers are wanting. *Acknowledge* letters of 8th Feb. and 15th March. *Continue* :— We have under consideration what relates to the suspension of Col. Morris from the Council and shall give you notice when any determination is had thereupon. We have been inform'd that there are some vacancies in the Council of St. Christopher *etc.* (*v. 19th June*), but as we have not had any notice from you of those vacancies, we have not as yet done anything towards filling them up, but we must observe to you that it is necessary you should give us timely notice as often as such vacancies happen. We have laid before H.M. the account you sent us of the attack of the Spaniards on Crabb Island, whereupon directions have been sent to H.M. Minister at Madrid to make the proper application to that Court upon that matter. We have also represented your complaint of want of ships of war for the guard of your Islands, and we have communicated to the Lords of the Treasury what you write in relation to the inhabitants of Anguilla, Spanish Town and Tortola, and are in hopes that speedy orders will be given thereupon. The Commissioners of H.M. Customs having desir'd to have notice from us before any more places are appointed in Antegoa for collecting the duty of 4½ p. ct., we must desire you to take care that no such places are appointed before you have sent us notice and have receiv'd an answer from hence thereupon. It being for H.M. service that we be at all times acquainted with the absence of Councillors from their posts in the Plantations, we desire that whenever you give leave to any Member of H.M. Councils in your Government to be absent from his post, that such leave be under your hand and seal, and that you forthwith transmit to us a copy of such licence of leave as also an account when such Councillor departed your Government, and to what place he is gone. *Annexed*,

1718.

570. i. Observations upon (a) Acts of Nevis (*v. preceding*).
 (i.) An Act to settle the estate of Thomas Herbert (1715). Confirm'd. There is a saving clause for the right of all persons whatsoever except those named in the Act but no mention specially of the King his Heirs and Successrs.
 (ii.) Act for the good Govt. of negroes and other slaves. Reported for confirmation (1717). (iii.) Act for laying a duty on french sugars, rum and molosses (1717). To lye probationary.
 (b) Act of Mountserratt, to repeal the Act entitled the Six pound Act. The title of the Act repealed is not truly recited, it being an Act empowering Justices of the Peace to decide differences not exceeding six pounds. This is contrary to the 19th Article of the Governor's Instructions *etc.*
 (c) Acts of St. Christophers. (i.) An act to ascertain the bounds of possessions in the late French ground (1715). With this Act ought to have been transmitted the survey made in consequence of it. (ii.) Act for the settlement of the Militia (1715). This Act in some places is not clearly worded. (iii.) Act for laying a duty on sugars exported to any other Island in this government for the use of the fortifications (1715). Expires in 1720. To lye by probationary. (iv.) An Act for regulating and appointing the fees of the several Offices and Courts (1716). To lye by probationary. (v.) An Act for raising a levy to discharge the publick debts (1716). Expir'd.
 (d) Acts of Antego. (i.) An Act for raising 5 p.c. on dry goods and laying an additional duty on wines imported (1715). Expired in 1716. Instead of the oath to be taken by this Act to prove in certain cases that the duties were paid, it would have been more proper that a certificate from the Officer who receiv'd the payment should be produc'd for that purpose. The duty of 5 p.c. impos'd by this Act on all dry goods affects all British manufactures and therefore the Governor should not have given his assent to this Act. (ii.) An Act to lay a duty on foreign sugars, rums *etc.* (1715.) Repealed by an Act of 1716. This Act is liable to objections because (a) any master of a ship that shall land any of the goods tax'd by this Act *etc.* without paying the duty or making due entries shall suffer 6 months close imprisonment without bail or mainprize, which penalty is too severe ; (b) each vessel importing any of the said goods, landed or put on board any other vessel without duty paid or due entry made, shall on proof thereof by oath of one witness in the Court of Admiralty be condemn'd and forfeited ; (c) This Act extends to all sugars imported from any neighbouring Island belonging to H.M. Dominions in order to be sent from thence to Great Britain ; (d) The clause empowering Comissrs. to tax traders according to the profits of their trade is too

1718.

arbitrary. (iii.) An Act for raising a tax of £12,000 for defraying publick debts and charges (1716). Has had its effect. The clause empowering the Treasurer to sue for bonds is so oddly worded that it seems to be perpetual, tho' the Act itself is only temporary. (iv.) An Act for laying an additional duty on wines etc. Expired 1717. (v.) An Act for raising a tax of £13,000 and to defray the publick debts and charges. In this and all other mony bills mention is not made that the mony thereby granted is given to H.M. his Heirs and Successors for the public use of the Island as directed by the 25th Art. of Instructions. Nor is the mony rais'd by those Acts payable by warrant or order of the Govr or Commander in Chief only as directed by Art. 35. (vi.) An Act to revive an Act for laying a duty of powder on trading vessels (1715). Expired in 1716. (vii.) Similar Act, 1716. Expired in 1717. The act reviv'd by these Acts is not in the Office tho' mention'd to be pass'd in the first year of the King's reign, a copy to be sent by the first opportunity. (viii.) An Act to encourage the importation of white servants. This Act is ordered to lye by probationary notwithstanding the following objections to it, and therefore the Govr. must take care to get another Act pass'd not lyable to those objections. A servant on his Master's refusing him a certificate of his freedom has not due relief, and is not to be taken by another master in less than 12 months after leaving the first, some provision shou'd be made that on the Master's refusing the certificate, the servant may have it from a Justice of the Peace, and that the fine payable by the Master for refusing it, should be for the servant to find him a gun as requir'd by this Act. The £10 fine which is to be paid by a master for every servant wanting of the number requir'd by this Act should be apply'd to the supplying that want in the Militia. (ix.) An Act for erecting a new Church in St. Johns in room of the present Parochial Church etc. To lye by probationary. (x.) An Act for constituting a Court Merchant (1717). To lye by probationary. (xi.) An Act to indemnify Antho. Brown etc. There is a petition against this Act of which a copy has been given to the Agent that he may make an answer thereunto. [C.O. 153, 13. pp. 319-328.]

June 24. **571.** Office Expenses of the Board of Trade, March 25-June 24th, 1718. v. Journal of Council. [C.O. 388, 77. Nos. 47, 50, 53.]

June 25. **572.** Mr. West to the Council of Trade and Plantations. Report upon Act of Barbados to impower licentiate lawyers to practise as barristers in the said Island (1715). By which law it is enacted that every person licensed by the Governour shall be authorized to practice the law as fully as if he were a regular

1718.

barrister. The Committee of Correspondence (*v.* 2nd May) urge (i.) that it had been the custom, and such custom had never been attended by any evill consequences, (ii.) that the custom had been approved by the Crown, by the appointment of such licentiates to act as Attorneys and Solicitors Generall in the sd. Island, (iii.) that the Island was lyable to several inconveniences from there not being a sufficient number of barristers. I have also been attended by Mr. Walker (*v.* 9th May) and other gentlemen who opposed the Act's being passed into law, who replied that the custom arose from necessity, which no longer exists, and that their not having a sufficient number of barristers is owing to their permitting licentiates to practice. I beg leave to observe that the ignorance of the Brittish laws does naturally tend to weaken that connection and union wch. ought to be kept up between the Mother Countrey and the Colonie and English Gentlemen regularly called to the Bar will have but little incouragement to venture abroad when they see a perpetuall establishment of licentiates in that Island. Other Colonies may be induced to obtain the like law, which as it will leave them little or no reason to send their sons to be educated here in England will naturally alienate them from the knowledge and love of the Laws of Great Britain. There are no qualificacons whatsoever relating either to oaths or religion prescribed by the Act in order to obtain such licence. But is wholly left to the arbitrary disposicon of the Governour who is enabled to permitt even his footman or his black to practice as a barrister. And since the Governour has no particular power by his Instrucons to grant such licenses I believe yor. Lordpps. will think it more for ye honour of ye Prerogative that in case there should be any deficiency of barristers in the Island they should be oblided to apply for licences at home. However I cannot but own that it would be a hardship to take away the priviledge of practicing from those who have applyed themselves to the Law in that Island and have already been bona fide licenced. Therefore I am of opinion that the law should not be wholly rejected but ordered to lye by. And I hope yor. Lordships will think proper to write to the Governour not to grant any such licenses for the future. *Signed*, Richd. West. *Endorsed*, Recd. 25th June, Read 10th July, 1718. 2 $\frac{3}{4}$ pp. [*C.O.* 28, 15. No. 34 ; and 29, 13. pp. 467-470.]

June 25. **573.** Council of Trade and Plantations to the King.
Whitehall. Recommend appointment of John Gamble to the Council of Antego, as proposed by Governor Hamilton. [*C.O.* 153, 13. p. 328.]

June 25. **574.** Mr. Secretary Craggs to Governor Hamilton. It having
Whitehall. been represented to the King that William Mathew, John Davis, John Bourryau, Joseph Estridge, Jno. Willet, George Lyddell, Charles Rowland, Charles Payne, Gillies McArthur, Clement Crooke, John Greathead, Timothy Hore, John Williams, Peter Soulegre, Main Swete, Thomas Bridgewater Esqrs., Mr. Peter Thomas, Mr. Benjamin Markham, Mr. Nathanael Payne, Mr.

1718.

John Orton, Mr. Augustus Boyd, Mr. Peter Gignilliat, Mr. Benjamin Clifton, Mr. Humphrey Shepherd, Mr. Paul Brisac, Mr. George Taylour, Mr. John Johnson, the Revd. Mr. Danl. Burchall, Mrs. Louise Mathew *als.* Burt, Mrs. Sarah Browne, Mrs. Elizabeth Davis and Stephen Pelissier having had grants for lands in the Island of St. Christophers, they have by themselves or undertenants manured great part thereof, built boyling houses, and other works for sugar making, and been at great expence and charge, whereby the produce of that Island and the settlement thereof has been very greatly improved, and H.M. Revenue of Customs thereby considerably augmented, and they praying to be continued in the peaceable possession of the said lands ; H.M. being not yet come to a resolution in what manner to dispose of his lands in that Island, has commanded me to signify his pleasure to you, that all the persons abovenamed do remain in the quiet enjoyment of the lands granted to them, by grants not expired the 25th Dec., 1717, till H.M. shall think fit how to dispose of that part of St. Christophers, which was the French settlement, under the like conditions, as they have hitherto held the lands, and in case you have already given any grants to dispossess such persons, H.M. further pleasure is, that you do recall the same. *P.S.* I add this postscript to explain the above written command of H.M., whose intention only is, that the persons therein mentioned, may be maintained in the quiet possession of the lands they now enjoy in St. Christophers, till H.M. further pleasure shall be known, there appearing as yet no reason to H.M. why these persons should not be preferred to any others whatsoever, for holding the said lands on the foot they are at present granted. [*C.O.* 324, 33. *pp.* 166, 167.]

June 26.
Boston.

575. Governor Shute to the Council of Trade and Plantations. I had the favour of your Lordships letter dated on the 4th of March and have sent the numbers of the Militia of both Provinces as also the tryal of the pirates who were tryed here by the power invested in me and other persons mentioned in the 34th Article of my Instructions ; And had also the opinion of the Judge of the Court of Admiralty at home. The King's gracious Proclamation has not produced the hoped for effects ; for the pirates still continue to rove on these seas ; and if a sufficient force is not sent to drive them off our Trade must stop. I have received lately complaints, that the French at Cape Breton fish upon our coast by the Gutt of Cancer and have made hutts there which is contrary to the Articles of Peace and am sending the *Squirrel* man of war to inquire into the truth of it that so the Fishery of H.M. subjects may be maintained, and have writ to the Governour of Cape Breton, that I do expect, that he does immediately order the French under his command to pull down their hutts and also not to fish any more on yt. shoar. The accompts of the 3 yrs. export from the Western and Madera Islands I sent yr. Lordps. in January last by Mr. Keys the Collector of Rhoad Island who promised me to deliver them to the Honble. Board. The other Articles in yr. Lordps. last letter shall be answered by the next

1718.

ship. *Signed*, Samll. Shute. *Endorsed*, Recd. 4th, Read 5th Aug., 1718. 1 p. *Enclosed*.

575. i. The Trials of Eight Persons Indited for Piracy *etc.* held in Boston, 18th Oct., 1717, with their confessions *etc.*, Simon van Vorst, John Brown, Thomas Baker, Hendrick Quintor, Peter Cornelius Hoof, John Shuan, Thomas South and Thomas Davis. The last two acquitted, the rest found guilty. Boston. Printed by B. Green, for John Edwards, and sold at his shop in King's Street. 1718. *Endorsed as preceding*. 25 pp.

575. ii. List of the militia of the Massachusetts Bay. Total, 14,925. 1 p.

575. iii. List of the Militia of New Hampshire. Total of 1st Regiment, 749. Numbers of 2nd Regiment missing. *Endorsed as covering letter*. 1 p. [*C.O.* 5, 867. Nos. 4, 4 i.-iii. ; and (without enclosures) 5, 915. pp. 177-179.]

June 26.
Whitehall.

576. Mr. Popple to Mr. Barrington. *Reply to 23rd June*. There is at present no vacancy in the Council of Antegoa, but the Council of Trade and Plantations have order'd Mr. Yeamans to be minuted down as recommended by you *etc.* [*C.O.* 153, 13. p. 333.]

June 26.
Whitehall.

577. Mr. Popple to Mr. West. *Encloses* for his opinion thereon. Act of New York for *paying several debts etc.* and papers relating thereto. "These papers being originals, I am to desire you to return them." [*C.O.* 5, 1124. pp. 28, 29.]

June 27.

578. Mr. Philips to Mr. Popple. *Encloses* following to be laid before the Board. *Signed*, A. Philips. *Endorsed*, Recd. 27th June, 1718, Read 16th Aug., 1720. 1 p. *Enclosed*,

578. i. Col. Schuyler to Governor Hunter. Albany, Feb. 5, 1717 $\frac{1}{2}$. The Comrs. of Indian affairs have exactly complyd with yr. last orders relateing to the Indians, who are very quiett and well satisfyd *etc.* I am extreemly well pleasd to hear yr. Excelley. had passed the Debt Bill *etc.* I was extreemly surprized to hear of Col. Lodowicks appeareing with Mulford in any attempts against yr. Excy. but much more when I heard he made so unwarranted and so unjust a use of my name, to charge yr. Excy. with ill usage of me, and to found the Indians discontent and the Carolina warr on so base a falshood *etc.* The reason of that warr I leave to the consideration of their own government, but that it was not more easily or sooner ended I must impute to their not knowing the nature of our Indians, or their despiseing them ; The Five Nations offering in a late proposition to yr. Excy. (Capt. Smith the Agent from Virginia being prsent) to enterpose and become arbitrators between them and the Indian enemy, and to meet their Agents here (the setld place of their meetings), but this government know by chargeable experience that they are not

1718.

to be applyd to without presents being their own way of makeing propositions. and it is more then 25 years past since ye Governmt. of Virginea thought it worth their while, to be at such expence, whilst this Government being the frontieers of all H.M. settlements on the main, beares the whole burthen and expence of the Indians ; and how depicable soever the Five Nations of Indians may appear in the eyes of those other Governments I can't but be of opinion that they are highly serviceable to H.M. interest and in a great measure the ballance of North America : and whilst I have any interest amongst them, shall allways improve it for H.M. service *etc.* *Acknowledges* H.E.'s extraordinary respect and friendship *etc.* *Signed*, Pr. Schuyler. *Addressed*. 1½ pp. [*C.O.* 5, 1052. *ff.* 32-35.]

June 30.
Whitehall.

579. Mr. Secretary Craggs to the Governor of the Leeward Islands. Monsr. Chammorel Secy. to the Embassy of France having presented a Memorial to the King on a complaint made by Pierre Sales a merchant of Martinico against the Officers of the Revenue in Antioa for having extorted from him a security for 20,000 livres tournois without any just pretence for so doing : I am commanded by H.M. to enclose to you a copy of the said Memorial, that you may enquire into the truth of the allegations, and accordingly that you either give effectual orders for redressing the grievance complained of, or transmit to me a satisfactory answer to the said Memorial. *Signed*, J. Craggs. *Annexed*,

579. i. M. Chammorel to the King. Memorial described in preceding, but stateing the amount of the security as 200,000 l. tournois *etc.* *French. Copy.* [*C.O.* 324, 33. pp. 167-170.]

July 1.
Whitehall.

580. Council of Trade and Plantations to Mr. Secretary Craggs. We have this morning receiv'd a lr. from Colo. Bennet, dated 31st May last, relating to the increase of pirates in those parts and informing us that sevl. who had surrenderd are gone out again because the Govrs. were not impowder to pardon them, and giving us an accot. of the weak condition of the Bermuda Islands. Tho' we are apt to beleive from this letter you will receive the like information, yet as this is a matter of such great importance to the Trade and Navigation of this Kingdom and to the security of the Plantns., we think our selves obliged to transmit you a copy of the said lr., with our opinion that the Commissions not only for trying but for pardoning the pirates also be immediately dispatched as we proposed by our former letters to you on this subject. You will perceive by ye enclosed that some of the pirates who have surrendred had committed acts of piracy since the time prefixed for their surrender by H.M. Proclamation, and therefore we should be glad to receive H.M. Orders in this particular for the better conduct of all Governors in such cases as may deserve compassion. [*C.O.* 38, 7. pp. 343, 344.]

1718.

July 1.

581. Mr. West to the Council of Trade and Plantations. I have no objection to the Act of Antigua *to enable Arthur Freeman etc.*, there being in the sd. Act all the clauses for the saving the rights of ye Crown as are requisite in a private Act *etc.* *Signed*, Richd. West. *Endorsed*, Recd. 2nd, Read 11th July, 1718. $\frac{3}{4}$ p. [C.O. 152, 12. No. 103; and 153, 13. p. 346].

July 1.
Whitehall.

582. Council of Trade and Plantations to Mr. Secretary Craggs. *Enclose* letters received from Governor Hamilton *relating to the Danes at St. Johns and the Spaniards at Crab Island (v. April 10th)*, "that H.M. pleasure thereon may be signified by the first opportunity to Genl. Hamilton, who has done already on that occasion as much as he is warranted to do by his Instructions." (Art. 99 and 106 *enclosed*). Wee think it proper to observe to you, that this Board did, by a Representation to H.M. of 9th Aug., 1717, fully set forth H.M. right of sovereignty to the Virgin Islands in answer to a Memorial presented by the Danish Envoy, and that it has been the constant opinion of this Board that the settlement of foreigners on any of those Islands may prove of ill consequence to the neighbouring Islands inhabited by H.M. subjects. *Autograph signatures.* $1\frac{3}{4}$ pp. *Enclosed*,

582. i.-viii. Copies of enclosures, C.S.P., April 10th, Nos. i.-iii., Nos. 526 i-v.

582. ix. Copy of Governor Hamilton's Instructions, Articles 99 and 106, not to permit foreigners to settle on the Virgin Islands *etc.* [C.O. 314, 1. Nos. 2, 2 i.-ix.; and (without enclosures) 153, 13. pp. 338, 340.]

July 1.
Kensington.

583. Order of King in Council. Appointing John Gamble to the Council of Antigua (v. 25th June). *Signed*, Robert Hales. *Endorsed*, Recd., Read 24th July, 1718. 1 p. [C.O. 152, 12. No. 107.]

July 1.
Kensington.

584. Order of King in Council. Repealing Act of Antigua *to prevent the increase of Papists etc.* *Signed and endorsed as preceding.* $1\frac{1}{4}$ pp. [C.O. 152, 12. No. 108.]

July 1.
Kensington.

585. Order of King in Council. Confirming Act of Nevis *for the good government of negroes etc.* *Signed and endorsed as preceding.* $1\frac{1}{2}$ pp. [C.O. 152, 12. No. 109.]

[July 1.]

586. Joshua Gee, one of the mortgagees concern'd for the Province of Pensilvania in behalf of the Proprietor and the rest of the mortgagees, to the Council of Trade and Plantations. *Reply to anonymous letters of 26th and 28th April.* (i.) The laws complain'd off to have been enacted about six years agoe, were at least a great part of them made within this three years. The Lords of Trade cannot take it amisse if some of those laws have lain neglected longer than ordinary considering that the Proprietor by his distemper is rendred incapable of businesse. The mortgagees were in a manner perfect strangers to these affairs those laws not passing thro' their hands *etc.* Respondent will take care

1718.

the said laws shall be transmitted to the Lords of Trade with reasons upon which they are founded *etc.* (ii.) The Assembly have done nothing more in relation to the fines save only appropriating them towards the support of Government *etc.* If the Lords of Trade shall find reason upon a perusal of those laws to be of opinion that the Assembly have unadvisedly enacted contrary to the Proprietor's agreement, they can easily apply a negative and thereby hinder the agreemt. from being broke through. It being both the desire and interest as well of the said Proprietor as of the said Mortgagees to preserve that agreemt. intire. It is not true that either the power or profit of licensing publick houses is taken away from the Govr., but he may as formerly grant licenses to such persons as are recommended by the Justices of the Peace, and receives to his own use the accustomed proffits, *etc.* Signed, Joshua Gee. Endorsed, Recd. 1st, Read 4th July, 1718. 6 pp. [C.O. 5, 1265. No. 104.]

July 1.
Kensington.

587. Order of King in Council. Referring report of the Council of Trade and Plantations upon Sir Robert Montgomery's proposall (v. 9th April), to the Lords of the Committee of the Privy Council for their report thereupon. Signed, Robert Hales. Endorsed, Recd., Read 24th July, 1718. 1 p. [C.O. 5, 1265. No. 105; and (signed Edward Southwell, and enclosing duplicates of 9th April. 4 pp.) 5, 383. Nos. 2, 2 i.]

July 1.
Virginia.

588. Lt. Governor Spotswood to Governor the Earl of Orkney. Refers to differences with the Council *etc.* Continues:—The success these men have had, by their further underhand dealings to possess your Lordship with a belief of my haughty and implacable temper, induces me to send so particular a relation of the steps made to a reconciliation (*enclosed*). But I have little hopes of compassing the same while the party looks upon themselves to be so formidable. They know that they have now lodg'd wholly in their hands that power which Absalom wanted for effectually securing the people in his interests, when he long'd to be the Judge of every man's cause. They have Mr. Blair for a staunch Achitophel in all conspiracies against Governors who will take upon him the whole drudgery of forming their letters, memorials *etc.* Nay and they know he will not be overscrupulous of swearing to them. They boast that by his influence they shall keep your Lordships from acting strenuously in my behalf while they are confident Mr. Byrd will leave no stone unturn'd to prejudice me. But in short the main obstacle to an accommodation is this; These Councillors in their anger about the Oyer and Terminer Courts have leagu'd themselves with all the turbulent opposers of Government whom they observ'd to have interest with the populace to be elected for Burgesses, and they cannot now accept of a reconciliation with me, without a breach of their union with them. Thus my Lord I am come to be divested of the Council H.M. had given me *etc.*, who to gratify their spleen do openly side with the most notorious opponents of the King's prerogative and now continually cabal with those very men of

1718.

whom they us'd to give vile characters, and whom they formerly advis'd me to remove from all places of trust for their evil behaviour. It was surprizing to see how barefacedly these Councillors proceeded in their extravagant measures; Ludwell's house (wch. is close in sight of mine) was the common rendezvous of the disaffected Burgesses, and the Commissary continually in their consultations, and it was remark'd that after a grand meeting there, many scurrilous and reflecting speeches were next day made in the lower House. Nor has any member shewn himself more violent against me than the Commissaries own brother, whose Billingsgate expressions with regard to me on several occasions I shall not offend your Lordships ears with *etc.* *Refers to enclosures etc.* *Continues* :—Here is a powerful knot of relations in the Council, who by their possession of the Judicature have gain'd a mighty influence over the Legislature, and the people begin to strive rather for their good graces than for those of a Governor, and if they obtain another victory in the turning out a third Governor, the country will be persuaded that they hold their places for life and the Governor his only during their pleasure. And such a notion will make their party so formidable that all men here, even the Govr. himself must truckle to them and not dare to lay before the Ministry at home the truth of occurrences or the real state of his Government, if there be ought in the account that touches one of this patent family, who have often been compar'd to a nest of wasps in this particular, that if you but offend one of them you immediately draw the whole swarm about your ears. Eight years experience has taught me to know the men, and I do now in my conscience declare that I take them to be false to the interest of the Crown, and very much disaffected to that of Great Britain. And as I am sufficiently convinc'd that there is nothing they will boggle at to prejudice the man who will not concur in the measures they happen to be bent upon, so I firmly believe that they wou'd not stick to overturn the Government by such another Rebellion as Bacon's to get rid of a Governor who may have penetration and resolution enough to discover and withstand their sinister designs: And some people who were witness to their management of the mob on the last Birthday apprehended they were then going to begin such a sort of work. This growing mischief may as yet easily receive a check, by removing from Council three or four of the most turbulent spirits (vizt. Blair, Ludwell, Smith and Byrd) and putting in their rooms others of more peaceable and loyal principles (vizt. Peter Beverley, Cole Diggs, John Robinson and Edward Hill). Nor is there wanting at this juncture a just pretence for so doing, seeing I am become destitute of a Council that I may confide in, by the defection of eight or nine of the present Board, who are turn'd Councillors, and one of them constituted Agent to the House of Burgesses. Such a proceeding effectually reduc'd the Government of New York to peace and quietness and enabled Mr. Hunter to bring his people into reasonable measures; And I hope Virginia's Governor is not always to be sacrific'd right or wrong to the humour of one Family, but that the Ministry will

1718.

seriously reflect on the danger of suffering in this remote part of H.M. Dominions, a Juncto of Relations to grow to that height of power as to bear an uncontrollable sway over both Govr. and people here, *etc.* Signed, A. Spotswood. *Endorsed*, Recd. 24th March, Read 8th April, 1719. *Copy.* 4½ pp. *Enclosed*,

588. i. A narrative of the steps and proposals made during the Session of Assembly for accommodating our differences. April 24th. Lt. Governor Spotswood describes negotiations with Mr. Robertson and Col. Harrison towards a reconciliation between himself and the Council. He proposed as the only terms that they should behave themselves for the future with decent good manners towards himself as Governor, and offered to constitute no other Judges of Oyer and Terminer than the members of Council, provided they would acknowledge the King could grant a power to make other Judges to those Courts exclusive of them, and would declare they acquiesced in the determination of the Lords of Trade, and the opinion of the Attorney General, and that then he would withhold his replies exposing them and Mr. Byrd. The Council, after some delay, submitted proposals for the Governor to subscribe acknowledging himself to have been in the wrong, to lay aside all attempts of innovations on the Constitution, to forbear all terms of reproach in common conversation *etc.* After further futile negotiations through Col. Page, the Governor invited the Council to his house to discuss a bowl of arrack punch, and endeavoured to pledge them to peace and union, but without result *etc.* Signed, A. S. *Endorsed*, Recd. from the E. of Orkney, 24th March, Read 8th April, 1719. 13½ pp.

588. ii. (a) Memorandum delivered by Col. Harrison to Lt. Governor Spotswood, 9th May, 1718. I have discoursed the Gentlemen of the Council as to a reconciliation *etc.*, but find them so startled at the Governor's conduct in the meantime, particularly at the meeting of the Governors of the Colledge and likewise at his exposing the late officers of the Revenue in Council *etc.*, that they propose the following terms for a lasting friendship. (i.) That all attempts at innovation on the Constitution may be laid aside, and their privileges preserved, (ii.) all terms of reproach be forborn, (iii.) all former misunderstandings laid aside, and mutual letters to the Council of Trade written to that purpose, (iv.) these terms to be given in writing.

(b) Extracts from the Governor's Speech and the reply of the Burgesses refusing to make him any allowance for his journeys of 5020 miles on the country's service. 16th May, 1718. *Same endorsement.* 3¼ pp. [C.O. 5, 1318. Nos. 57 i., ii.]

1718.

July 1.
Kensington.

589. Order of King in Council. Approving of Representation of Feb. 9th, and ordering warrants to be prepared for passing under the Great Seal Commissions empowering the Governors of Plantations to pardon all such pirates as shall have surrendered themselves according to the Proclamation in that behalf *etc.* *Signed*, Robert Hales. *Endorsed*, Recd., Read 24th July, 1718. $1\frac{1}{4}$ pp. [C.O. 323, 7. No. 130 ; and 324, 10. pp. 201, 202.]

July 1.
Kensington.

590. Order of King in Council. Referring report of Council of Trade and Plantations (April 9) upon the proposal of Sir R. Montgomery to the Committee of the Privy Council for their report. *Signed*, Edward Southwell. 4 pp. *Enclosed*,
590. i. Copy of No. 493. [C.O. 5, 383. Nos. 2, 2 i.]

July 3.
Whitehall.

591. Mr. Secretary Craggs to the Council of Trade and Plantations. Encloses following for their report. *Signed*, J. Craggs. *Endorsed*, Recd. 7th, Read 8th July, 1718. $\frac{3}{4}$ p. *Enclosed*,

591. i. M. Chammorel, Secretary of the French Embassy, to the King. March $1\frac{1}{2}$, 17 $1\frac{7}{8}$. *Prays* that orders may be sent to the Governor and Council of Jamaica to see that justice be done to M. Bonfils *etc.* *Signed*, Chammorel. *Copy. French.* 1 p.

591. ii. Memorial of Messrs. Bonfils et Freres, French merchants of La Rochelle. Their ship *L'aimable Marie*, Capt. Escoubet, sailed from La Rochelle 23rd Oct., 1714, for Cuba. After having unloaded part of her cargo at St. Dominique, she was seized by 5 sloops from Jamaica, in the port of Bayouda near the Havanna, where she had put in for wood and water. The English captains (Henry Jennings, Saml. Tiddell or Lydell, James Carnagy, Ashwood or Ashworth, and Leigh) held a commission from Governor Lord A. Hamilton, of 21st Nov., to salve among the wrecks of the Flotilla in the Gulf of Mexico. They compelled Capt. Escoubet to sign a letter to Governor Hamilton to the effect that they had taken the ship under agreement with him to pay him a certain sum for the time they kept her. They took her to the island of Providence. Her cargo was worth 250,000 *livres tournois*. They divided 30,000 piastres amongst themselves and the remainder of the cargo they put aboard the sloop *Dauphin*, which they sent with the ship to Port Royal, Jamaica. Governor Hamilton, upon information given by an officer of the French ship, sent 4 soldiers on board the sloop to guard the cargo, but the following night several masked men overpowered the soldiers and carried off all the merchandize. Two of these persons having been discovered and put in prison gave bond for £10,000 sterl. by order of the Council of Jamaica, which also ordered the ship to be restored to the proprietors in the state it was after having been completely plundered. It was sold by

1718.

public auction for 4000 *livres tournois*, tho it cost at leaving La Rochelle 50,000. They also ordered the restitution of 1400 ounces of silver proved to have been part of her cargo. By a Minute of 22nd Sept., 1716, the Council declared that they could do no more without H.M. express directions to prosecute the sureties of the 5 captains. The Duc d'Orleans has instructed us to refer to the Minister of France who is to request H.M. to give orders accordingly, and for the prosecution of Daniel Axtell, Gaspard Ashwood Bendish and John Warner *the prisoners referred to above*, and of all others found guilty hereafter. *Signed*, Bonfils. *Copy. French.* 4½ pp. [C.O. 137, 13. Nos. 9, 9 i., ii.; and (without enclosures) 138, 16. p. 115.]

[July 3.] **592.** Jeremy Dummer to the Council of Trade and Plantations. Being inform'd that H.M. has appointed a new Surveyor of the woods of North America, and that the gentleman does not intend to execute his commission in person; I humble submit it to your Lordships. whether it would not be for H.M. service that the Governour of New England be charg'd with the care of the King's woods. In what manner this is to be done, whether by making the Governour Controller over the Surveyour and his Deputy, or Deputies, or in any other way, your Lordships. are the best judges. *Signed*, Jer. Dummer. *Endorsed*, Recd. 3rd, Read 4th July, 1718. ½ p. [C.O. 5, 866. No. 169; and 5, 915. pp. 158, 159.]

July 3. **593.** Mr. Secretary Craggs to the Council of Trade and Plantations. *Encloses* following reply to Representation of Aug. 9th, 1717. "As to the settlement of the Danes on the Island of St. John" (v. 10th April, 6th May, 1st July), "H.M. pleasure is, that your Lops. should take the state of that matter into your consideration, and report what is proper for H.M. to do therein." *Signed*, J. Craggs. *Endorsed*, Recd., Read 4th July, 1718. 1 p. *Enclosed*,

593. i. Memorial by Baron de Sohlenthal, the Danish Envoy, in reply to the Representation of the Council of Trade and Plantations of 9th Aug., 1717, relating to the Island of St. Thomas and other little islands about it, communicated by Mr. Secretary Addison. London, 24th March, 1718. (i.) The order given Sept. 23rd, 1672, to Governor Stapleton "that you should exercise every mark of friendship towards all the inhabitants of the said Island of St. Thomas, and all other the subjects of the King of Denmark in the West Indies" must necessarily apply to the subjects of his Danish Majesty in the other Islands, since if one had meant thereby the Danish subjects who might be met with at sea, as the above-mentioned representation (Aug. 9th, 1717) explains it, it would have been necessary to say, the subjects who trade in the West Indies, because in the said Order there is no mention or reservation made touching the pretensions

1718.

which the English since that time have begun to form to the said Islands belonging to the Crown of Denmark, as do those of St. John and Crab. (ii.) There is great reason to believe that these pretensions were only formed in the time of Col. Stapleton, who one sees clearly was hostile to the Governor of St. Thomas, upon the false representations he made, whether through hatred or false reports. And as the Danish Company of the West Indies has never had the least knowledge of what the said Stapleton advanced against the Governor of St. Thomas, as if he were a bad neighbour and protected pirates, one can the less credit it, since the Company has not failed always to give the necessary orders to its servants to observe exactly the Conventions and Neutrality, and not to meddle with any forbidden trade, so that if this Governor had dared to trade with pirates, he would have undergone severe punishment, as acting contrary to the Law of Nations and against the order of the Company, which has never designed to do anything to the prejudice of the English Nation, whence it is rather to be presumed, that if anything occurred, it was practised by others, under the Danish name, and imputed to the Colonies of this Nation by their enemies. (iii.) That which is drawn from the report made to His Britannic Majesty in the month of May, 1688, touching the right of sovereignty (*droit de primauté*) of the King of Great Britain over Crab Island as well as over the other Virgin or Caribbee Islands, cannot be alleged against the Crown of Denmark, which took possession of them first, as is clearly proved by the Commissions found there [*qui y ont été trouvées*] several years before, and by the opposition made from time to time against those who wished to establish themselves there, as appears by the protest of the Governor Adolph Esmit against Abraham Howel, who in the time of the Government of Colonel Stapleton wished to possess himself of it, mentioned in another against William Pellet who to the same end had landed troops there (*v. encl. ii.*). There is also a protest made 2nd Oct., 1698, against Sir Robert Pinckerton, the Scottish Commander, who wished to seize Crab Island, and the 6th of the same month the Governor Jean Laurent and Commander Claude Hansen caused a similar protest to be presented to the ship of the Commander of the Squadron in the road of the said Island (*v. encl. iii., iv.*) There is similarly a letter from Admiral Sir Benbow written in 1699 to the Governor Jean Laurent [*v. encl. v.; cf. Cal C.S.P. 1699, No. 907*]. And after the signing of the said protests, the English and Scotch withdrew from this Island, and have not there undertaken any enterprise since that time, having then themselves avowed, that these Islands were of so little importance, that it was not worth while to people them,

1718.

for a Nation which possesses such vast and fertile lands in America as they do. All the abovesaid reasons are sufficient to show the right of sovereignty of His Danish Majesty over the Islands of St. John and Crab, as well as over St. Thomas, and consequently it is by so much the less justifiable that, as one learns by letters of last year, the English have not only again landed on Crab Island, but also proceed to cut wood and begin to build houses there. Therefore the undersigned is charged by the King his Master, to insist in the strongest terms, that those who have taken possession of Crab Island, should quit it immediately, that the orders given by his Britannic Majesty to the Governor of his Caribbee Islands to the prejudice of the prior right of His Danish Majesty should be revoked, and that the Danish subjects should be left in peaceable possession of the abovesaid Islands, upon which he very humbly begs to be given a prompt and favorable resolution. *Signed, Le Baron de Sohlenthal. Copy. French. 4½ pp.*

593. ii. (a) Governor Esmit to [? *William Pellet*] Christiansfort, St. Thomas, 20th May, 1688. H.M. the King of Denmark and Norway my Sovereign Lord having charged me with his orders, as soon as I should have arrived safely in America, to take every care to put myself in possession of Crab Island, called Bicque on the maps, belonging to H.M., and to put a Commander there in his name and on his behalf, who should not only maintain and defend the Commission and flag of H.M. established and planted there in 1682, I therefore placed a Captain there with his men, when Commander Howel wished to take possession of it at the time of the government of Genl. Stapleton, and entered a protest at the same time against the said Howel. And since that time the said Genl. Stapleton has left the said Bicque or Crab Island undisturbed. At the present time H.M. has sent here, with me, one of his Admirals, to examine and visit the said Island, and to people it, who is already on the way with some people to put himself in possession thereof. But as I learn that you, Monsr. Guillaume Pellit, have orders to take possession of the said Island, and to people it, which is contrary to the orders and command of H.M. my very august King, and contrary to the law of all the world, I perceive myself obliged to follow the orders with which H.M. has honoured me, and forbid you, Monsr. Guillaume Pellit, in the name and on behalf of H.M. the King of Denmark and Norway, to take possession of the said Crab Island, or to settle people there, or to make any pretensions thereto, of whatsoever sort or kind. And in case you disobey, I protest by virtue and authority, in the name and on behalf of his Danish Majesty, against you, Guillaume Pellit, and against those who have authorised you or given you

1718.

order to seize yourself of the said Crab Island, and declare that you will be held responsible for all the damages and prejudices which may thereby arise, now and in the future *etc.* *Signed*, A. Esmi. *Copy. French.* $1\frac{1}{2}$ pp.

593. ii. (b) Governor Jean Laurent and J. von Holten to Sir [Capt.] Robert Pinckert(h)on. (v. C.S.P. 1699. No. 579. xv.) Christiansfort, St. Thomas. 2nd Oct., 1698. Hearing that you have been sent with ships now before our port to seize Crab Island, *protest in similar terms to preceding.* *Signed*, Jean Laurent, J. von Holten. *Copy. French.* $1\frac{1}{4}$ pp.

593. iii. C[laude] Hanson to the Commander in Chief [of the *Scottish Expedition*]. At the post of Cronenburg on Crab Island. 6th Oct., 1698. Protests, in similar terms to above, against threatened seizure of Crab Island. *Signed*, C. Hanson. *Copy. French.* 1 p.

593. iv. (a) Rear-Admiral Benbow to Governor Laurent. H.M.S. *Gloucester*, in the harbour of St. Thomas, 21st Oct., 1699. (v. C.S.P. 1699. No. 907.) The unusual sight of the flag of his Britannic Majesty in your harbour will appear strange to you, but this will apprise you of the reason as also to know by what authority you have flown the flag of his Danish Majesty on Crab Island for some time, this Island belonging to the King my master. *Signed*, Benbow. *Copy. French.* $\frac{1}{2}$ p.

(b) Governor Jean Laurent to Rear Admiral Benbow. Christiansfort, St. Thomas. 21st Oct., 1699. *Extract of reply to preceding.* As to Crab Island, I am extremely astonished that you now write on such a subject, it being known that the said Island belongs to the King my Sovereign and Lord, and that long before me there was a Commission from my Master, and his flag was flown there. *Copy. French.* $\frac{1}{2}$ p. [C.O. 152, 12. Nos. 101, 101 i.-iv.; and (without enclosures) 153, 13. pp. 340, 341.]

July 3.
Whitehall.

594. Mr. Secretary Craggs to the Council of Trade and Plantations. *Enquires* to which of H.M. Governors the commissions for pardoning pirates should be sent. These commissions "are ordered to be sent before those for trying pirates, which latter are to remain on this side till further orders." *Signed*, J. Craggs. *Endorsed*, Recd. 3rd, Read 4th July, 1718. 1 p. [C.O. 323, 7. No. 128; and 324, 10. pp. 197, 198.]

July 4.
Whitehall.

595. Council of Trade and Plantations to Mr. Secretary Craggs. *Reply to preceding.* We think the Commissions for pardoning ought to be to the same persons as those for trying of pirates *etc.* [C.O. 324, 10. p. 199.]

July 4.
Tofts.

596. Mr. Barrington to Mr. Popple. Returns thanks for minuting Mr. Yeamans for the next vacancy *etc.* v. 23rd June.

1718.

Signed, J. Barrington. *Endorsed*, Recd. 7th, Read 8th July, 1718. 1 p. [*C.O.* 152, 12. *No.* 102.]

July 4.
Whitehall.

597. Council of Trade and Plantations to the King. *Recommend* John Hugg for the Council of N. Jersey. (v. May 3.) [*C.O.* 5, 995. *pp.* 443, 444.]

July 4.
Whitehall.

598. Council of Trade and Plantations to Lt. Governor Spotswood. *Acknowledge* letter of 27th Feb. We take notice of what you write in relation to the 5th and 6th Articles of the Treaty of Neutrality, and lest you shou'd misunderstand what we wrote you the 16th of May, 1717, we think it necessary to observe, that by the 1st clause of the Act of Navigation mention'd in the 3rd Art. of your Instructions relating to the Acts of Trade, no foreign ships are to be allow'd to trade into H.M. Plantations. But we are of opinion that British ships cannot be condemn'd nor their lading confiscated only for trading to, or from foreign Plantations, provided that trade be not carried on in any manner contrary to the laws of this Kingdom or of Virginia : whereby the ships or lading might be lyable to be confiscated. However you will do well to observe your last orders so far as to discourage this way of trading which is contrary to the Treaties of Peace, tho' not contrary to our laws. [*C.O.* 5, 1365. *pp.* 62, 63.]

July 7.
Whitehall.

599. Bryan Wheelock to Richard West. In the Secretary's absence desires his opinion upon two Acts of New Hampshire, passed in 1714, (i.) *for the relief of idiots*, (ii.) *providing for posthumous children*. [*C.O.* 5, 915. *p.* 159.]

July 7.
New York.

600. Governor Hunter to the Council of Trade and Plantations. *Abstract.* Acknowledges letters, will transmit accounts required by next conveyances, and instruct Naval Officers to send accounts of imports from Madera and the Western Islands *etc.* Mr. Beresford's representation is very just, and no more than he himself laid before the Secretary of State on learning of M. Crozat's patent. The French have forts and settlements in many places on the Messasipi and on the Lakes, and claim all the country and the trade of it as theirs, if these settlements prosper the very being of the Brittish Plantations will become precarious, for by means of these settlements they acquire the dependances of these numerous Indian nations, and though the French may be at peace with us in appearance, these Indians by the instigation of their traders may be prevail'd upon to make incursions on the frontiers of the English settlements, which being all uncovered will be an easy prey, and after an attempt of that kind no planter will venture to sit down without the reach of assistance, or defence, and so by degrees these Colonys may come to be unpeopled *etc.* Does not know upon what right the French found their claim. As a remedy, can only suggest our extending our frontiers, and augmenting our force and garisons, as he has already amply proposed *etc.* In reply to 3rd Feb., states case of acts passed by Lt. Gov. Ingoldsby. Most of them being

1718.

now expired or repealed, they are no longer of any consequence *etc.* In answer to 25th Feb., encloses copy of H.M. Order for building a fort, in compliance with which Col. Nicholson and he contracted for building a fort in the Mohocks' country for half the sum mentioned in their instructions, reserving the other half for one to be built at Onondagaa, when the Indians should agree to it *etc.* Has constantly kept the fort in good repair *etc.* The currency has ever been at 8s. per ounce in New York and New England *etc.* On his arrival he published the Proclamation for the currency, but it had little effect. Now that the Assemblies are of better disposition, hopes to remedy this and other failures noted by the Board. The harvest being begun, he could not keep them together, but he communicated to them H.M. commands as to passing acts affecting the trade or shipping of Great Britain. Had he had any such instructions before, he would not have passed these acts, but in the former revenue acts there being the like duties, particularly on all dry goods from Europe, and in other Provinces tunnage, or powder money, and that tunnage being so low, and the people at a loss to find out funds for the support of Govt., a land tax being by the expences of unhappy expeditions impracticable and burthensome, he could not foresee any harm in passing such acts. *Requests* the Board to suspend the disapprobation of these acts until the Assembly has met in the Fall, when, judging by its present disposition, he hopes for success in everything the Board wishes. Sees no harm in disallowing the act for shortening law-suits, Mr. Attorney General's observations having been found by experience to be just. As to the act granting a supply *etc.*, there was never any wine imported from Great Britain and no duty was intended upon such, or upon any goods directly imported from Gt. Britain. This shall be made clear in an explanatory act. The duties laid on negroes imported from other Colonies were intended to encourage their own shipping and to discourage the importing of refuse and sickly negroes from other Colonies. The greater part of the Palatines remain upon the lands he purchased for them with his own money on Hudson's River, and earn a tolerable living, some are grown rich. But about 50 families removed, against orders, to lands which had been granted to other inhabitants *etc.* In compassion, he persuaded the Proprietors to offer them terms of long leases paying nothing for several years, and a very trifle after. The greatest part accepted, but one Wyser, the constant ringleader of all mischief amongst them, who is now gone for England, has formed a party who would come to no terms *etc.* These people might be usefully employed on the frontiers, if his plan for extending them is approved, but there must first be a fort to cover and to keep them in order, and this will require an augmentation of the forces. *Quotes* from his Commission to show that licences for whale-fishing were a perquisite of his Government. Nobody but Mr. Mulford disputed it, and he lost the case he brought. It is not worth £20 sterl. per annum, but he does not wish to be accused of giving up the rights of the Crown. *Refers* to papers sent to Mr. Philips. If men like Cox and Mulford, who were

1718.

common disturbers of the publick peace and avowed obstructors of all settlement or support of Government, when they are called to account for crimes against the Government, shall find their account by flying from such prosecutions, and complaining at home, whoever governs in these parts must either hold the reins of Government very slack, and resolve to bear with daily repeated insults or with the intolerable drudgery of answering false and malicious accusations or frivolous complaints *etc.* He has in every step had a particular view to H.M. service, and in that has had the desired success *etc.* *Describes* procedure in granting of patents for lands. *Set out*, N.Y. Col. Docs. V., pp. 507-511. *Signed*, Ro. Hunter. *Endorsed*, Recd. 10th Sept., Read 1st Oct., 1718. *Torn.* 7½ pp. *Enclosed*,

600. i. Extract of H.M. Additional Instructions to Governor Hunter for building a chapel and fort for the Indians *etc.* 21st Feb., 1710/11. *Same endorsement.* 1 p. [C.O. 5, 1051. Nos. 73, 73 i.; and (without enclosure) 5, 1124. pp. 38-50.]

July 7.
N. York.

601. *Same to Same.* By Hopkins I receiv'd the new seals, and with this your Losps. will receive the old one of this Province broke in Council according to H.M. commands; to-morrow I go to the Jerseys and when that of that Province is broke in Council there I shall transmitt it also, but this ship is upon her departure. I have also receiv'd H.M. letters nominating John Parker, Peter Tretwell and Jo. Wells of the Council for that Province. I beg the same favour for John Johnston, junr., in order to keep the equality Mr. Tretwell and Mr. Wells being of the Western division. *Signed*, Ro. Hunter. *Endorsed*, Recd. 10th Sept., Read 1st Oct., 1718. *Holograph.* 2 pp. [C.O. 5, 1051. No. 74; and 5, 1124. p. 51.]

July 7.
N. York.

602. *Same to Mr. Popple.* Hopkins brought me yours and in it a great deal of comfort, finding by that, that I am not become indifferent to you as I like a suspicious fool or rather jealous friend, surmis'd in my last. I assure you that I want nothing but a conveyance to bring me to you, for to deale plainly with you, after the incouragement Mr. Mulford and some others have lately mett with from some great men, my stay on this side will be but uselesse to the publick and hurtfull to my self. I have no care about any consequences but in so far as they may affect my reputation, which I think I have taken sufficient care to vindicate by what I have sent inclos'd to Mr. Philips by this conveyance. If the voice of a whole Province is not judg'd of force sufficient to disprove the simple allegations of one craz'd old man, it will be in vain for me to endeavour any more at being pronounc'd innocent I must satisfy myself with being so. I beg leave to remark to you upon the objections made to our Acts of Revenue, that it will be a very hard task hereafter to find any fonds for that use, whilst by the clamours of merchants or those self interested every sort of duty may be constructed to affect the trade of Great Brittain, in all or most other Provinces there is

1718.

a tunnage or powder money, and that here is such a trifle that it can not seriously speaking be said to affect any trade. There is no duty on goods imported from Brittain, though in all former Acts of Revenue in Coll. Fletcher, Ld. Bellomont and Ld. Cornbury's time there was two and a half pr. cent on all such, and is it not surprizing that trade should so considerably increase under all these discouragements. In short considering that a land tax is impracticable a future revenue here, will be so, at least very difficult under these restrictions not so much by reason of them but of the constructions that the merchants here and there will put upon every duty whatsoever as affecting the trade of Great Brittain and I'll affirm without assuming too much to my self, if I do not accomplish it it will be a long time a doing come who will in my place. Mr. Philips hints to me that my affairs and intrests move heavily. I sensibly feel he has too much reason. My comfort is that I have deserv'd a better fate. I can not see how I can get over 'till next Spring because I am resolv'd to use my endeavours with the Assembly this fall to remedy what is excepted against in our several Acts. But a dissallowance of them would put all into confusion and ruine this flourishing Province. *P.S.*—The Act wch. Mr. Chetwind is concern'd about, had pass'd if I had not recd. your letter but I have stav'd it off for another session. *Signed*, Ro. Hunter. *Endorsed*, Recd. 10th Sept., Read 1st Oct., 1718. *Holograph*. 4 pp. [*C.O.* 5, 1051. *No.* 75 ; and 5, 1124. *pp.* 52–54.]

July 7.

603. Extract of letter from Governor Hunter to Mr. Philips. *Encloses* Representation (*No.* iii. *infra*) in reply to Mr. Mulford. *Continues* :—Having received several letters from the Justices and others on Long Island, informing me, that there was a paper sent over by Mr. Mulford, handed about clandestinely for subscriptions, and that some were threatened, others hired, and others wheedled to set their hands to it ; that particularly in one township they could get no hands, but a woman's, a madman's and a boy's ; and all this managed by Richard Floyd, Mr. Mulford's Agent, a very troublesome man, I communicated all these advices to the Council, who advised, that orders should be immediately sent to the Justices of the Peace, to enquire into the affair, and after the paper ; to put a stop to the proceeding, which might endanger the Peace of the Country, which I did accordingly. The Justices found that matter so, but the subscribers declared they were told the paper they signed was only a request about the whale fishing. They sent after it of their own accord, burned it, and signed enclosed address to me. The people have been perfectly easy and quiet ever since. God knows my heart, that I wish hurt to no man. And could I have devised any other method to keep that troublesome man from disturbing the Peace of the Country, I would have followed it. But if he meets with encouragement at home, whoever governs here will have a hard task *etc.* *Signed*, Ro. Hunter. *Endorsed*, Recd. (from Mr. Philips) 23rd Sept., Read 1st Oct., 1718. *Copy*. 3 pp. *Enclosed*, 603. i. Petition of Cornelius Conkling and other inhabitants

1718.

of Suffolk County to Governor Hunter. Pray pardon for their error in signing an Address to H.M. Nov. 1717. We intended no accusation against your Excellency, but thereby chiefly to obtain of H.M. the whale-fishing, free of paying the duty to the Crown *etc.* *Signed,* Cornelius Conkling, Mathias Burnet, Daniel Miller, Isaac Mulford, Tho. Mulford, William Edwards, Nat. Downing, John Mulford, Theodore Peirson, Robert Nevins, James Cooper, Theo. Howell, Isaac Halsey, Nat. Howell, Edmund Howell, Christopher Foster, Zebulun Howell, Richard Fowler, Abraham Halsey. *Same endorsement. Copy. 1 p.*

603. ii. Address of several inhabitants of New York, especially of Nassau Island, to the King. *Complain* of the unequal numbers of Representatives and the disproportion of the quotas of taxes, in the counties; of the powers of the Court of Chancery; that they do not have the benefit of the Agent of the Province; and that their whales and oil have been seized, *etc.* *No signatures. Copy. 4 pp.*

603. iii. Representation of the Council and Assembly of New York to the Lords of the Committee for hearing appeals from the Plantations. *Reply to preceding* and Aug. 28, 1717. The Counties of this Province are not all equal in territory, number or wealth of inhabitants, from whence proceeds the different taxations *etc.* Mr. Mulford's representation is unjust, because the number of representatives were not as he represents at the time the quotas of taxation were laid, the County of Orange having but one Representative, and not two as he says, and the County of Dutchess none, neither is this taxation to be charged to Colo. Hunter, or an effect of his putting Representatives on the Assembly, those taxations being made before his arrival *etc.* The true cause of these clamours was such an addition to the Representative(s) as gave a check to that spirit of opposition, that by Mulford's means too much for a time prevail'd and retarded the necessary support for the Government and payment of publick debts, which by that means has been happily effected, and this Province reduced to a state of tranquility unknown to past times, and but a little while since almost despair'd of. The additions then made and complain'd of have been agreeable to the laws and practice of this Province, and were but three, one in the County of Orange and two in Dutchess County, wch. are large countys and daily increasing in people, and by that addition were made but equal to the smallest county in the Province. An acknowledgement for the liberty of taking Royal fish was taken by the Governor's predecessors, as justly due to the Crown, and what the Governor without the imputation of departing from H.M. rights cou'd not give up, the methods us'd for

1718.

recovery of this was a process in the ordinary course of law, in which Mr. Mulford was not debarr'd the making such a defence as he thought most conducive to his service. His accounts of the prosecution for his speech *etc.* are misrepresentations. *Refer to Address of Assembly and Minutes of Council and Assembly (v. Nos. 317 xi., xii.).* By the last it will appear how inclinable the Governor was to have stopped any further prosecution against him, had he himself not been averse to it *etc.* Their being a great arrear of quitt rents, we believe the Attorney Genl. took such measures as he judg'd would prove most effectual to obtain the payment of them, but we cannot find that Mr. Mulford met with a diff'rent treatment from others, or if he did the Govr. cannot be suppos'd to be interested in it, the Receiver General and Attorney General being solely concern'd. Whatever proceedings have been in the Supream Court against Mr. Mulford (of which we can find none) we submit to your Lordships, whether any complaint of that kind can affect the Governor, who doth not interpose in the judicial proceedings of that Court *etc.* We could wish all the parts of H.M. Dominions were as free from Jacobite partys as this remote corner of them are and always hath been; and we hope your Lops. are so well assured of the Governor's firm adherence to the interest of the present Government, that it will not be in the power of any complaints of that nature to render him suspected *etc.* His administration is free from tyranny or oppression, and we know of no grievances in the Province, wch. is in happier circumstances than ever in great measure owing to the just and mild administration of Brigr. Hunter. 2nd July, 1718. *Signed,* By order of the Council, Wm. Wiseman; of the Assembly, J. Ludlow. *Same endorsement. Copy.* 5½ pp. [C.O. 5, 1051. Nos. 76, 76 i.-iii.]

July 8. **604.** Mr. Secretary Craggs to the Lords Commissioners of
Whitehall. the Admiralty. Encloses, for their opinion thereupon, report of Council of Trade and Plantations upon Nova Scotia, 30th May. *Signed,* J. Craggs. 1 p. [C.O. 217, 31. No. 17.]

July 8. **605.** *Same* to Board of Ordnance. *As preceding.* [C.O. 314,
Whitehall. 1. No. 3.]

July 9. **606.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Craggs. *Report upon Memorial of M. Chammorel (July 3rd).* Having perused the Minutes of ye Councill of Jamaica, whereby it appears that petitioners had made out their allegations, we humbly conceive that directions may be sent to the Governor of Jamaica, not only to prosecute the commanders and mariners of any ships or vessells concern'd in this capture, but also put

1718.

the bonds given by the sureties in execution, whereby reparations may be made to ye sufferers. [C.O. 138, 16. pp. 116, 117.]

July 9.

607. Richard West to the Council of Trade and Plantations. *Report upon Act of New Hampshire, 1716, for making lands and tenements liable to payment of debts.* I have perused ye Act to wch. it refers, 8th William III., ye design of wch. Act I doe think to have been perfectly just and in case this Act had pursued ye intention of ye sd. Act I should have had no objection to its being passed into a law. But it is so unhapily worded that I cannot see that by any construction whatsoever it can effect ye end proposed by it. The end proposed by this Act is to make ye real estates of debtors lyable to ye paymt. of their personall debts which by ye former Act of King William was sufficiently provided for in case of ye debtors dying indebted in a greater summe yn. his personall estate was able to answer this Act proposes to provide for ye creditors security during ye life of ye debtor by compelling him to a mortgage of his lands to which end it is enacted that all creditors recovering judgemt. and ye debtor not satisfying ye same to ye acceptance or satisfaction of ye creditor shall have execution thereupon agt. ye lands of ye debtor and ye Sherriffe shall cause a parcell of ye debtor's lands to be set out (by the oath of three appraisers) sufficient to satisfy the creditors demands and shall thereof deliver possession and seizen to ye creditor which when recorded is enacted to be a good title to such creditor or creditors. My objection to this Act arises from the last words wch. in my opinion leaves ye creditor (tho perhaps contrary to ye intention of ye makers of the Act) in a worse condition yn. they found him. By the equity of redemption reserved it is manifest that ye intention of ye law makers could be only to create a reall security to ye creditor for his debt by way of mortgage wch. mortgage can be only for ye life of ye mortgagee they haveing forgott to insert after their enacting that ye returning of the aforesd. execution should be a good title to ye creditor that it should also extend to his heirs without wch. word it is certain no larger estate yn. for life can be created and wch. they therefore in ye sd. Act of K. William do very properly use. I must also observe yt. ye acceptance of such mortgage under this Act is a discharge of ye execution agt. ye debtor and his land and that ye estate for the life of the mortgagee being by this Act considered as a full satisfaction for any debt whatever it from thence follows that if any creditor should chance to die but ye next week after such acceptance of ye mortgage as aforesd. the debt is wholly extinguished and the heirs or exrs. etc. of such creditor would be absolutely barr'd from ye making use of any such remedy wch. by ye Common Law or by ye beforementioned Statute of King William they would otherwise be entituled to. I might mention other objections of less consequence. But I think what I have already taken notice of will be sufficient to justify my being of opinion that this Act is not proper to be passed into a Law etc. *Signed,* Richd. West. *Endorsed,* Recd. 9th, Read 11th July, 1718. 2 pp. [C.O. 5, 867. No. 2.; and 5, 915. pp. 168-171.]

1718.

July 10. **608.** Mr. Popple to Mr. Burchett. Encloses extract of letter
Whitehall. from Lt. Governor Bennett, 31st May, for the information of the
Lords Commrs. of the Admiralty. [*C.O.* 38, 7. p. 345.]

July 10. **609.** [*Stephen Duport to the Council of Trade and Plantations.*]
Some notes relating to Danish Settlement of St. Thomas.
Endorsed, Reed., Read 16th July, 1718. *French.* $\frac{3}{4}$ p. [*C.O.*
152, 12. No. 105.]

July 10. **610.** Mr. Popple to Baron Bloombergh. The Council of
Whitehall. Trade and Plantations desire you will please to give 'em what
information you can of the Danish settlement on the Island of
St. Thomas in America. [*C.O.* 153, 13. p. 342.]

July 10. **611.** Council of Trade and Plantations to the King. Enclose
Whitehall. arguments for and against Act of Antegoa *to prohibit the importation of French and other foreign sugars etc.* *Continue* :—The reasons contained in the [*Surveyor General's*] letter [*v. 12th April*] appear to us to be such as may induce your Majesty not to approve of this Act. But besides those objections to the design of this Act we shou'd think ye same not fit to receive your Majesty's approbation by reason of sevl. clauses therein contain'd. By one it is enacted "that if any quantity (tho' never so small) of sugars or of any other of the commodity's prohibited by this act be landed in any part of the said Island of Antegua, the ship in which they are imported shall be forfeited upon the oath of one single evidence who is to be rewarded with the moyety of the forfeiture." Another enacts that "if any master of a vessel should put any such foreign goods as aforesd. from on board his own into any other vessel within any harbr. or anchoring place in or about the sd. Island he shall suffer 12 months imprisonment in the common gaol without bail or mainprize," and this likewise upon the oath of one single evidence. But there is another clause more extraordinary than these, whereby a skipper or master who shall order any person on board his vessel to resist any officer appointed by this Act to search, is to be adjudged guilty of felony. We beg leave to observe on this occasion, that tho' some Acts have lately been pass'd in others of your Majty's. Islands for discouraging the importation of French and other foreign sugars, particularly one in Barbado's which your Majesty has been pleased to confirm ; Yet none of those Acts have extended to an absolute prohibition of those commoditys, neither are there any clauses in them liable to such exceptions as those in this Act of Antegua. We are therefore humbly of opinion from the severall considerations beforemention'd that your Majesty may declare your disallowance of [*this*] Act of Antegua *etc.* [*C.O.* 153, 13. pp. 342-345.]

July 10. **612.** Board of Ordnance to Mr. Secretary Craggs. In
Office of obedience to H.M. commands we have considered the report of
Ordnance. the Council of Trade and Plantations, 30th May. We are of the same opinion with their Lordships with regard to the fortifications of Placentia and Annapolis Royal *etc.* *Propose* to advance

1718.

£200 to Governor Philips, to buy boards and provide small timber at both places, for repairs of the barracks and magazines, and to send nails and tools from hence for the same *etc.* *Signed*, Tho. Frankland, Jno. Armstrong, M. Richards. *Endorsed*, Recd. (from Mr. Stanyan) 3rd Feb., Read 19th May, 17¹⁹/₂₀. *Copy*. 1¹/₂ pp. *Enclosed*,

612. i. Estimate of materials proposed to be sent for the repair of the barracks and magazines at Placentia and Annapolis. *Total*, (including 24,000 ft. of deal boards at £200) £292 3s. 2d. 1 p. [*C.O.* 217, 3. *Nos.* 1, 1 i.]

July 11.
New York.

613. Governor Hunter to the Council of Trade and Plantations. *Refers* to receipt of seal and asks for an alteration in the Council of New Jersey, supposing that the superseding of George Deacon by John Wells arose from misapprehension of what he wrote *etc.* *Set out*, N.J. Archives, 1st Ser. iv. 373. *Signed*, Ro. Hunter. *Endorsed*, Recd. 10th Sept., Read 1st Oct., 1718. *Holograph*. 3 pp. [*C.O.* 5, 971. *No.* 75; and 5, 995. pp. 448, 449.]

July 11.
Kensington.

614. H.M. Warrant to Governors of Plantations to grant pardon to pirates surrendered in accordance with the Proclamation of 5th Sept., 1717, *etc.* *Countersigned*, J. Craggs. [*C.O.* 324, 33. pp. 170–178.]

July 11.

615. Richard West to the Council of Trade and Plantations. *Reply to 7th July.* *By the Act of New Hampshire for the relief of Ideots etc.*, it is enacted that ye overseers of ye poor or select men of every town, shall be empower'd to take any person whom they shall judge to be mad, into their custody, in case there be no relations who undertake ye trust, and are even impowered (upon application first made to the Sovereign Court) to sell the estate of ye lunatick *etc.* Upon which Act I must observe that there are no rules laid down nor method prescribed by wch. a person is to be proved and declared to be a lunatick but ye whole is left to the disposition of ye beforestd. overseers; wch. is a power perfectly unknown to ye laws of England. And likewise that there is no notice or care taken of the Royall Prerogative. By law ye King has ye custody both body and goods *etc.* of every naturall born ideot and ye yearly value of his lands doe belong to ye Crown. The King also by his prerogative hath ye custody of accidentall lunaticks, tho' he hath not an equall interest in their estates. And ye custody of those persons hath been always obtained by application to ye Crown for a Comission of Lunacy wch. issues out of ye Court of Chancery. And since ye Governors of ye Provinces in ye West Indias have alsoe ye power of a Chancellour likewise granted to them perhaps your Lordpps. may think it adviseable that ye like Commissions should issue from the Government there. And least ye Governour should use this power to the oppression of any particular persons he might be directed not to pass such Comission untill such time as a writ *de Ideota inquirendo* should be directed to ye Sherriffe of ye County and a return of ideocy made upon ye verdict of a jury summoned in ye County where ye

1718.

ideot is alleadged to be liveing. Which method I think is preferrable to ye givinge a power to ye overseers of any town to lock up without any ceremony any person whatever whom they shall agree to vote mad, *etc.* By the Act *providing for posthumous children* it is inter alia enacted, that if any child born during ye life of ye testator should happen to be omitted and not mentioned in ye will of his parents, that in such case ye will as to such child should be totally void and ye child entituled unto such a proportion of its parents' estate as it wou'd have been in case its parents had died intestate. Not to take notice of this claus's being altogether foreign to ye title of ye Bill I must observe to your Lordpps. that this clause is in my opinion contrary to that right wch. every man has to dispose of an estate acquired by himself. But that is not all since in consequence of this clause a child whom perhaps his father did leave out of his will as a punishmt. for his disobedience or some other crime shall by setting aside his father's will in this respect contrary to ye testator's intentions have a greater proportion of his father's estate than ye most dutifull of his children who are legatees in ye will. As to that clause which refers to posthumus children who may be unprovided for I think it perfectly just that ye legatees should loose pro rato of their legacies in order to make a reasonable provision for such child. But how far what hath been alleadged shall be of weight sufficient to induce your Lordpps. to pass or not to pass this Bill, I entirely submitt. By the Act *against High Treason* there is nothing enacted to be treason but what is so att ye Common Law. But yet they make severall alterations in ye rules by wch. any traytor must be convicted for thô in ye first part of their Act they doe seem to imitate ye Statute of the 25th of Edward III., yet they have added to it ye necessity of haveing two witnesses to ye same overt act of treason which is a difficulty in ye conviction of traytors unknown to ye Common Law by wch. all tryalls are pr. patriam and not pr. testes. By another clause it is enacted that all persons prosecuted for High Treason, their tryalls shall be regulated according to ye Act of 8th Will. III. *for regulating of tryalls in cases of treason.* I shall not insist upon any advantage that may be taken from their misreciteing ye Act (wch. was really VIIth Will. III.). But shall consider it as if ye recitall had been justly made the method prescribed by that Act has made it extreemly difficult to convict any person of Treason but yet in that Act there are exceptions for those treasons in wch. it cannot be supposed that two witnesses to ye same overt Act should be procured wch. exceptions are not inserted in this Act. But those persons wch. by ye Statute of K. William are precluded any priviledges granted by that Act, are by this Act of New Hampshire entituled to them ; as for instance persons prosecuted for counterfeiting ye coin, of ye Great or Privy Seal (and also ye Sign Manuall and Signett wch. are two species of treason not taken notice of by this Act of New Hampshire). I must further observe that as ye Statute of ye 25th of Edw. III. is declaratory of ye Common Law I am of opinion that it is much better for ye Plantations to keep ye cases of treason within ye

1718.

rules of yt. Statute than to perplex them with any new ones, and it is certain that ye Crown has ye subjects of those Provinces much more at command by ye Common Law yn. it would have if the English Statutes of Treasons were extended to them. And doubtless ye example of this Province will be imitated by all ye other Colonies. And therefore since ye King's prerogative is proposed to be lessened by this Act I submit it to your Lordpps. to judge whether it is reasonable to grant what may be called so large a priviledge without anything being offer'd to ye Crown on ye part of ye Province (as ye setling Revenue etc.) to induce it. *Signed*, Richd. West. *Endorsed*, Read 11th July, 1718. 3 pp. [C.O. 5, 867. No. 1 ; and 5, 915. pp. 163-168.]

July 14.
Boston.

616. Mr. Bridger to the Council of Trade and Plantations. My Instructions from the Lords of the Admiralty forbids all persons H.M. woods, without leave, the inhabitants of all the towns next H.M. woods being accostomed to go and cut such trees as were not fitt for the Royall Navy, the woods being first survey'd, and the trees marked that were to be reserved, to put these Instructions in practice gave me very much trouble ; and the people dissatisfaction, however by care *etc.* and a deep snow falling in November the wood has been preserved better than in some years past. But ill minded persons factious, malicious, and disloyal and vile in practise are never easie and who to carrie on their designs stick at nothing, all which will appear in the actions of one Elisha Cooke Esq. one of the Council of this Province, who in a letter to the Spaker of the House of Representatives unjustly falls on me, and office : asserts vindicates, and maintaines, that his Majestie nor officers has anything to doe with the woods in the Province of Main *etc.* *Refers to enclosures.* Upon my Memorial, the Governour at the next election of Councilors was pleased to put a negative on sd. Cooke. Since wch. he has delivered another representation to the Govr. and Council and Assembly to wch. I answered by Memorial to the Governour. But the majority are for him and [*h*]is rebellious assertions, saying that they bought the Province of Main for £1250 (80 miles long), which was out of the power of the than Charter to purchas, much less had they a power to annex it to a Charter Govermt. : if so, they may now purchass Roade Island Connecticut *etc.* and add it this Charter, and entierly thrô of H.M. power and prorogative from this Continent : the people of thi[s] Province pleading they have a Charter. When the dispute of H.M. just rights and prorogative of the woods was debating in the lower house, I gave one of the Members two Acts of Parliament pass'd in the 4 and 11 years of the late Queen for the preservation of H.M. woods here in America, he was very smartly answered, that Acts of Parliament were of no force with them, they had a Charter, with great submission I am of opinion that the grant of the Province of Main may be reassumed and annexed to H.M. Province of New Hampshire, with much more reason than the grants of Ierland were, without any regard to the possessors, if it should be thought proper to repay the purchas summ *etc.* The

1718.

Province of Main is better furnished wth. mastt trees both for number and large sizes more than all besides : there are now cut this last winter $\frac{3}{5}$ of what was cut of the 478 trees ; there are several new towns laid out in the sd. province since 4 years past, all and every Proprietor that have conveniences for a saw mill is building one ; and nothing but a resumption of that grant will I fear do to preserve the woods : an Act of Parliament as severe as that for the preservation of pitch pine trees, or tar trees, that very Act would wth. amendments do. but i pray leave to inclose a copie for a bill to be pass'd forthwith *etc.*, or all the large pines will be destroy'd, *etc.* I allways deemed the woods without the township to be his Majesties ; the General Court says he, that is H.M. has none, and that it is in their power to grant all land and woods without the townships, or give them away as they please, and can lay out and give away another rainge of towns above the present towns ; if so, the King cannot have a mast tree without purchasing it of these Proprietors, *etc.* What further may be done prejudicial to H.M. intrest I cannot yet informe ; There being a Committe appointed of the Uper and of the Lower house, to sitt as Judges of H.M. title to the woods in this Country, which with other particulars remaine undetermined till the next Sessions in October *etc.* *Refers to enclosures* and Mr. Cooke's disloyal pretentions and malicious and false charges *etc.* Suchlike treatment I have allways meett with from those people, *etc.* All belonging to the Crown are so obnoxious to these people in generall, that it is very dangerous for [*one ?*] to traivaille alone, *etc.*, as the officers of the Customs can testifie who has been molested in the execution of their duty, in all the Charter Governments, some of them being forced home this last year for redress *etc.* *Refers to his affidavit in answer to Cooke's false charge that he exacted 40s. a team from the inhabitants who cut trees for loggs within the grant of their townships etc.* In the time of my absence and some time before these Great and Generall Assemblys has laid out eight new towns, and no reserve made according to the Charter which reservation ought to have been the obligatory part in every town grant so lay'd out, the neglect of wch. not only a breach the Charter, but destroys all the woods within those townships beyond redress, besides whenever there is occasion to but name this is for H.M. intrest or 'tis against the Prorogative of the Crown, the answer is, these are the privileges of the Charter, so that the Charter is allways pleaded and the reservation for H.M. Navy is null'd. If this Magogg or Idoll of these people were lost, no one person would suffer a penny damage in their estates : and H.M. intrest secured, and officers protected, and kept from the insults of the people *etc.* *P.S.*—There is affidavit wherein I am charged with receiving £20 and £5 for leting some people get logg and that on land up Merrimack River, and is in propieter wth. some other persons and myself. *Signed, J. Bridger. Endorsed, Recd. 29th Aug., Read 23rd Sept., 1718. 4 pp. Enclosed,*

616. i. Memorial of John Bridger to Governor Shute. *Replies* to Elisha Cooke's false and malicious aspersions. The

1718.

royalty of the woods has never been sold or alienated, as he maintains, as appears by many Acts of Parliament. *Points out* inconsistency of Mr. Cooke, who in one place affirms that the General Court may dispose of unappropriated lands, woods etc., and in another declares that no person might presume to cutt down trees without the townships, etc. *Continues* :—I have an authentick affidavit from Samuel Plaisted that he heard Cooke say that neither the King nor Mr. Bridger his officer had anything to doe in the Province of Main. In the present Charter the woods are expressly reserved for H.M. use, etc. *Copy.* 1½ pp.

616. ii. Memorial of Elisha Cooke to the Governor, Council and Assembly of the Massachusetts Bay. *Charges* Mr. Bridger with having received £50 from Mr. Mico for masts sent to England. *Continues* :—When I was in Main, Jan. last, being inform'd that there was a designe to entice the inhabitants there to give Mr. Bridger or his Deputy money to cutt loggs in that county, some having been threatened by Samuel Plaisted, his Deputy, and others had the trees they had cut for sloop masts seized, because they had not Mr. Bridger's liberty, althô they grew within the township of Berwick, I informed the people that they might cut trees for logs etc. and be in no danger of the penalty of £100 mentioned in the Charter. Charles I. granted the Province of Main, with all its woods etc. to Sir Ferdinando Gorges, whose son sold it to John Usher in 1677 for £1250. Usher conveyed his title to the Collony of the Massachusetts Bay. The General Court may therefore doubtless dispose of the unappropriated lands woods etc. to such persons as they think fitt, more especially considering the Charter granted by King William and Queen Mary to the inhabitants of this Province doth confirm all lands tenements etc. which any persons and persons body's pollitick do hold and enjoy etc. If so, the suppositions of Mr. Bridger that all the woods without ye townships are H.M.'s, must fall to the ground. Mr. Bridger might travail a little further where there are very large tracts of lands and woods not granted to any private persons etc. Boston, June 14, 1718. *Add.* June 16, 1718. Being desired to explain *above* statement that "I did inform the people that they might cut trees etc.," I declare that I informed the inhabitants that no person might presume to cut down any trees without the bounds of their townships etc. *Signed*, Elisha Cooke. The above memorial was referred to a Committee of the Council and Assembly July 1st–5th. *Copy.* 3¼ pp.

616. iii. Memorial of John Bridger to Governor Shute. Cooke not only denys the power H.M. has invested me with, but tells the inhabitants of Main they may cut where

1718.

- and what log they please *etc.* This arbitrary liberty this Gentleman dispences will soon destroy all the mast trees reserved by H.M. in the Charter for the Royall Navy, and lay H.M. under a necessity not only to keep but making a peace with the Northern Crowns let it be never so injurious to the trade and interest of Great Brittain *etc.* The time being near wherein your Excellency will have an opportunity to remove all enemies to H.M. and his interest from the Council, obliges me to put your Excellency in mind thereof *etc.* *Copy.* 1 p.
616. iv. Memorial of Elisha Cooke to the Speaker of the Assembly of the Massachusetts Bay. Boston, 6th Feb., 1717. Complains that Mr. Bridger is endeavouring to force the inhabitants of Kittery and Berwick to pay him 40s. for each team they send into the woods, and exacts from them for his licence to work upon land within grant of the townships and a bond of £100 that they cut down no trees fit for masts for H.M. use. The reservation made by H.M. in the Charter cannot be construed to countenance Mr. Bridger, for it can only refer to trees that grow upon lands not heretofore granted to any private persons, and the Province of Main was long since granted by the Crown to Sir Ferdinando Gorges *etc.* *Signed,* Elisha Cooke. *Copy.* 2 $\frac{3}{4}$ pp.
616. v. Mr. Bridger to Governor Shute. Copy of an Act proposed to be pass'd for the better preservation of H.M. woods and intrest in America. $\frac{3}{4}$ p.
616. vi. (a) Deposition of Samuel Plaisted. Portsmo., June 12, 1718. Deponent heard Cooke say that neither the King nor Mr. Bridger had anything to do in the county of Yorke formerly the Province of Main in surveying the mast trees *etc.* *Signed,* Saml. Plaisted.
- (b) Deposition of Archibald Macpheadris to same effect. Portsmo., May 16, 1718. *Copy.* The whole, 1 p.
616. vii. Mr. Bridger to Mr. Popple. I offered to take the oath before the Governor and Council, that I have not exacted any sum whatever from the inhabitants of the county of York, nor from any other person, as alledged No. iv., but was reffused, *etc.* *Signed,* J. Bridger. 1 p.
616. viii. Mr. Bridger to Josiah Willard, Secretary. Acknowledges copy of Cooke's charges and denies them. Boston, April 15, 1718. *Signed,* J. Bridger. *Endorsed,* Recd. 29th Aug., Read 23rd Sept., 1718. *Copy.* 1 p. [C.O. 5, 867. Nos. 12, 12 i.-viii.; and (without enclosures) 5, 915. pp. 206-214.]

July 14.
Boston.

617. Mr. Bridger to Mr. Popple. *Acknowledges* letter of 11th March *etc.* *Continues* :—No care shall be wanting on my part to protect H.M. interest *etc.* I pray their Lordships may be minded that there are near 7000 inhabitants who loose no opportunity to enrich themselves, by the spoyles they make out of H.M.

1718.

woods (but 'tis in dispute whether H.M. has any woods in this Governmt. or no) and but one person to secure 60 or 70 miles in length next the woods against their wasts and destruction. I am not contending for assistance whereby to make an advantage to myself, or putting the Crown to any expence but such as the publick good in a most necessitious manner calls for it *etc.* H.M. in his Commission did establish my salary and the Navy to pay for it, the dispute was with my Lord Orford himself, who was so superiour a man that he would have the nomination of the officer he paid, but as soon as he heard the Commission read to him, said he had nothing to doe wth. it the King had appointed my salary and bid me go and recieve it. This was the difficulty, not the establishmt. of the salary. I should be glad to be inform'd of your meaning, when the survey is done that I am upon the Deputies might expect a reward, there is none will worke an houer without a certaine pay *etc.* *Urges* that Cooke should be sent for home to answer to H.M. Court of Exchequer *etc.* Unless such as he be humbled, and H.M. intrest supported, as well otherways as by Acts of Parliament, the intrest of the Crown, and H.M. prerogative will entierly be lost here *etc.* *Signed*, J. Bridger. *Endorsed as preceding.* *Addressed.* 1½ pp. [*C.O.* 5, 867. *No.* 13 ; and 5, 915. *pp.* 214–216.]

July 14.
N. York.

618. Governor Hunter to the Council of Trade and Plantations. The ship (Capt. Gerard Comder.) being still here, I herewith send your Losps. an abstract of the import from the Western Islands chiefly Madera together with the quarterly accounts which I believe your Losps. will find to be very exact and nicely conformable to the Instructions *etc.*, and your Losps. shall have them punctually by all conveyances. *Signed*, Ro. Hunter. *Endorsed*, Recd. 10th Sept., Read 1st Oct., 1718. *Holograph.* 1 p. *Enclosed*,

618. i. Account of imports to New York from Madera, 24th June, 1715–1718, in return for exports of provisions, grain and pipe-staves. *Totals*:—Wine, 1614 pipes, 47 hhds., 59 casks. *Spirits*, distilled at the Western Islands, 1 hhd., 36 casks. *Same endorsement.* ½ p. [*C.O.* 5, 1051. *Nos.* 75, 75 i.; and (without enclosure) 5, 1124. *p.* 54.]

July 14.
Admiralty
Office.

619. Lords Commissioners of the Admiralty to Mr. Secretary Craggs. *Reply to July 8.* Propose that H.M. Surveyor of Woods in America, lately appointed, be instructed to survey those of Nova Scotia, by himself or by deputy. As to a small vessel to attend on that Government, the numbers of men actually employed in the Royal Navy do very much exceed what Parliament have made provision for *etc.* But if H.M. shall think it for His service, we shall endeavour to appoint such a vessel as may occasion the least expence ; tho' it is our opinion, that if she doth not depart from hence within a month, she will not be able to lay hold of the coast this year, and whether the Governor can be able to leave England by that time is uncertain to us. *Signed*, J. Barkeley,

1718.

J. Jennings, Jo. Cokburne, W. Chetwynd, Cha. Wager. 3 pp.
[C.O. 217, 31. No. 18.]

July 15.
Boston.

620. Mr. Cumings to the Council of Trade and Plantations. *Replies to questions of 6th March.* (i.) There may be 100,000 weight of wooll annually in this province and Rhoad Island but difficult to know the exact quantity. (ii.) As to what quantity is exported it is done with such privacy that it is difficult to find out but it has been reported they have exported some from Nantucket Island (where they have 10,000 sheep) to France. (iii.) The most part of itt is here manufactured into shalloons serges stuffs drugets and kersies and here consumed a sample whereof I shall indeavour to procure your Lordships and the prices they sell for and a sample of the wooll which is sold now att 16d. pr. pound. I am att present a stranger to the price of wooll in England so cannot so readily give my thoughts thereon but if a præmium was given to enable the merchts. to make any tolerable return by wooll it would much decrease the manufacturing of the wooll here and advance the Brittish for where the greatest quantity of wooll is produced is upon Islands where litle or none of itt is manufactured, etc. The export for Great Britain from Christmas to Midsummer from this port stands thus:—Whalebone 177 bundles, pitch 2665 barls., tarr 7599, turpentine 3202, rozin 32, oyll 3091, rice 543, indigoe 22, sugar 100 hhds., brazeletto wood 22 $\frac{3}{4}$ tuns, fustick 52 tuns, lignum vitæ, 100 tuns, skins and furs 58 hhds. and casks, staves 131,600, etc. *Signed*, Archd. Cumings. *Endorsed*, Recd. 29th Aug., Read 23rd Sept., 1718. 1 $\frac{1}{4}$ pp. *Enclosed*,

620. i. Account of foreign enumerated commodities imported in the port of Boston 24th June, 1717–1718; showing French, Dutch, Danish and Spanish origins. *Signed*, Archd. Cumings. *Cocoa*, from St. Thomas, 144 barrls., from Martinico, 133; *Indigo*, from Cyan 150lb., *Cotton*, from St. Thomas 174 bags; *Molosses*, from Cyan, 49 hhds., 71 teirces, from Surinam, 737 hhds., 37 teirces, 6 barls.; *Sugar*, from Cyan, 10 barls. from Cape François 16 barls., from Surinam, 4 barls., from St. Thomas, 7 hhds., 40 teirces, 145 barls. *Rum*, from Surinam, 10 hhds., 13 teirces, 3 barls. 1 *slip*. [C.O. 5, 867. Nos. 10, 10 i.; and 5, 915. pp. 201–204.]

July 15.
Boston.

621. Mr. Cumings to Mr. Popple. Acknowledges letter of 6th March and recommends appointment of an Inspector Generall of Imports and Exports of each Colony etc. *Signed*, Archd. Cumings. *Endorsed*, Recd. 29th Aug., Read 23rd Sept., 1718. $\frac{1}{2}$ p. [C.O. 5, 867. No. 11; and 5, 915. p. 205.]

July 15.
Whitehall.

622. Mr. Secretary Craggs to the Governor of Jamaica. It having been represented to H.M. in behalf of the Jews inhabiting Jamaica, that many of their profession have been settled in that Island for several years, on encouragement from an Act passed there, as also by Letters Patent of naturalization, and that others

1718.

of them have been born upon the place ; all of which have carried on their trade, possessed lands, and enjoyed all other rights, privileges and jurisdictions granted them by the said Act and Letters Patents, in the same manner as the other natural-born subjects of H.M., without distinction on account of their Religion : And it having been further represented, that there have been some late attempts to diminish their aforesaid privileges, though they have on all occasions given incontestable proofs of their zeal and affection for H.M. Person and Government : I am therefore to signifie to you H.M. pleasure, that you give all fitting encouragement and protection to the Jews settled, as abovementioned, in Jamaica, so far as the Laws of that Island now in force do allow, provided they on their part demean themselves quietly ; to the end that they may remain in the peaceable possession of such privileges as they have hitherto enjoyed. *Signed*, J. Craggs. [C.O. 324, 33. p. 179.]

July 15.
Whitehall.

623. Mr. Popple to Mr. Burchett. Asks for copy of Admiral Benbow's letter to the Governor of St. Thomas, 21st Oct., 1699, and of his answer. (*v. No. 593 iv. (a).*) [C.O. 153, 13. pp. 349, 350.]

July 15.
Admty. Office.

624. Mr. Burchett to Mr. Popple. *Reply to preceding.* The said letters were some time since unfortunately burnt, among others, in a particular place where they were lodged in the garden of this Office ; but I having, before this accident hapen'd, collected several things from the letters of the Flagg Officers, in order to the completing the History which I have almost finished of Naval Affaires, I send you herewith an account of what I have observed passed between Rear Admiral Benbow and the aforesaid Governor of St. Thomas's, and if the same may be of any use to the Lords Commissioners for Trade, I shall be very glad. *Signed*, J. Burchett. *Endorsed*, Recd., Read 16th July, 1718. 1 p. *Enclosed*,

624. i. Mr. Burchett's account of what passed between Rear Admiral Benbow and the Danish Governor of St. Thomas. At the request of the President of the Council of Nevis, the Rear Admiral sail'd to the Island St. Thomas, inhabited chiefly, if not altogether, by subjects of Denmark, and demanded by what authority they bore the flag of that Nation on Crab Island, since it appertained to the King of England his Master : He also let the Governour know, that it was not agreeable to the Laws of Nations, to trade with Pyrates, (it being evident he had suffer'd great part of Kidd's cargo to be landed at that Port), and demanded of him all subjects of England who were non-resident there. The Governour seem'd surprized at his making any objections to the Flag, and insisted that the Island whereon it flew was actually the King of Denmark's. The Port he said was free, and since the Brandenburgh Factors had received part of Kidd's effects, he could by no means

1718.

molest, but on the contrary, was obliged to protect them : He averr'd that there were not any of the subjects of England on the Island, Capt. Sharp only excepted, who was confined for misdemeanours, and having sworn allegiance to the King of Denmark, could not justifiably be deliver'd up, so that the Rear Admiral was obliged to desist, for his Instructions did not empower him to act in an hostile manner, *etc.* [C.O. 152, 12. Nos. 106, 106 i. ; and (without enclosures) 153, 13. pp. 350, 351.]

July 16. **625.** Copy of Privy Seal directing salaries to be paid to the Lords Commissioners for Trade and Plantations :—Robert, Earl of Holderness, John Chetwynd Esqr., Sir Charles Cooke, Paul Docminique, John Molesworth, Thomas Pelham, Daniel Pulteney and Martin Bladen, and under officers. *Endorsed*, Recd., Read 8th Aug., 1718. 2 pp. [C.O. 388, 77. No. 46.]

[July 16.] **626.** Capt. Passenger to Mr. Popple. *Encloses following.* “ The most exact account I could possibly get, in that short time I was there, wch. was less than two months, and 12 months would have been too short a time to have done it effectually, it being 110 leagues from Bonavist to Placentia, and has 21 fishing harbours and coves in it, wch. I was obliged to send my officers to, and hire boats and sloops at my own charge, there not being one shilling allow'd for it ” *etc.* I have no manner of intrest in it more than for the good of H.M. subjects *etc.* *Signed*, W. Passenger. *Endorsed*, Recd. 16th July, Read 15th Aug., 1718. $\frac{3}{4}$ p. *Enclosed*,

626. i. Capt. Passenger's answers to Heads of Enquiry relating to the Trade and Fishery of Newfoundland, May 9th, 1717. (i.) There are some small numbers of black cattle, sheep and hogs, *etc.*, and a small no. of beaver furs *etc.* of the Planters own killing in the winter, but have no trade with the Indians. (ii.) They are supply'd with bread, flower, rumm, brandy and tobacco from New England to the great prejudice of those trading directly from Great Brittain. (iii.) In the spring before H.M. ships can arrive they do rind the trees to cover their houses and stages, and cut down a great deal of birch to make new flakes to dry their fish on, the other being burnt in the winter, to the great decay and destruction of the woods, and the fishing ships trading thither ; they being forced to go 5 or 6 miles in ye woods for a stick of birch as big as my arm, being contrary to the Act of Parliamt. and the advantage of all that reside or trade there, and all for want of good Government in the winter, otherwise the flakes and stages would last seven years. (iv.) He that is the strongest man, in the winter commonly ingrosses other men's right ; until H.M. ships arrive *etc.* (v.) That is frequently done till the arrival of H.M. ships to decide that matter ; For

1718.

they are such a sort of people that their will is sufficient against all Acts of Parliament, untill they meet with a superiour power to put those laws in execution. (vi.) All those fishing ships that come to fish in the country, do bring over the number of green men, if they can get them ; but there has been so many lately carried away to New England, that the oldest traders to Newfoundland have told me 'tis not possible to get the number of the future, without the New England trade is prohibited *etc. as 1st Oct., 1717.* Great quantitys [? of fish from New England] are carried to the Spanish and Italian marketts, and are sold a dollar in a quintal cheaper than the ships from Great Brittain can afford to sell them. (vii.) There being no officer on the spott to examine their certificates, they are seldome produced, except there arrise a dispute who has a right to be Admiral *etc.* On my arrival, there was three set up for Admirals of St. Johns *etc.* The most part of the Admls. of the Harbours are for their own private benefitt, and not the publick good in genl. ; they have some priviledges more than others, and especially in collecting their debts ; and very little else minded of the Acts of Parliament, relating to the Admlls. of harbours, if not compell'd by the commanders of H.M. ships of warr, and all for want of a Governour on the spott. (viii.) Whenever they have oppertunitys' to defraud their neighbours, they will not only cut out the marks of the train fatts, but where strong enough will turn a man out of his house and keep possession of it untill one of H.M. ships arrive to put the right owner in possession again. (ix.) No complaints of that. (x.) Those that dont leave somebody to look after their stages *etc.* in the winter will find them in a very bad condition the next spring, by being stoln and burnt in the winter. (xi.) It happen'd this year that there was not much above half ships enough to take up the rooms, so they had no occasion whilst I was there (to engross more beach and flakes than belongs to them), but I have heard the Admlls. have made it their practice in other years, wch. is the chief reason they endeavour to be Admlls. to serve themselves, but as to their doing justice to others (more than sutes with their own interests), 'tis very rare to find they will take much pains on that point. (xii.) I never saw any of their journals here, but have often put them in mind of their duty. The Admirals do determine differences, and very often they appeal to ye Commanders of H.M. ships for a final determination, but stand by that no longer than the Captain is on the spott, as in the case of Tobias Hutchinson *v.* Langley. (xvi.) There is no manner of regard had to this Article, for they throw everything they have a mind to throw overboard where their ships lay without any scruple,

1717.

wch. I have complain'd off very often. (xvii.) They allways throw their offall at ye stagehead so the tides do wash and carry it off without any annoyance to the place. (xviii.) They do observe the Lord's Day in going to Church when the parson happens to be sober ; But as to the selling strong liquors etc. there is much more sold that day than any week day, by reason all ye people are exempt from work that day, and they have nothing else to do but to drink for want of a Civill Government among them. (xix.) I have not seen nor heard of any aliens to fish in any part of Newfoundland, except the Bay of Fortune, and the Island of St. Peters where there are a sort of French inhabitants that pretend they have a right to fish there, they did take the oaths to Queen Anne, but have not done it to King George for wch. reason Governor Moody sent down an officer and seiz'd their fish and train etc. before my arrivall etc. (xx.) As to curing their fish with good salt, that is done most certainly for their own advantage for they make two sorts, merchantable, and refuse, the latter is sold for half the price as the former, both at Newfoundland, and the Streights ; and our gentlemen that commands the sack ships know what fish is good for the Spanish marketts as the Spaniards themselves. (xxi.) Certainly the *inhabitants* debauch themselves with drinking, to the great detriment and in a little time to the utter destruction of the fishery etc. v. 1st Oct., 1717. (xxii.) It is very common for ships to come directly from France, Spain, Portugall etc. with salt, wines, brandy and all the produce of those countrys, they will sell at Newfoundland, as well as they do from all H.M. Islands in the West Indies, and America, with rumm, mellosses, sugar, tobacco etc. (xxiii.) Some are sold to people that makes it their bussness to buy ships cargos, and retails them out to the inhabitants ; and some masters of ships that bring cargos hire storehouses, and land their goods, and retails them out to ye planters, and trusts them till their fish is made and then they collect in their fish for their goods ; and if they don't sell all they leave a trusty man to stay the winter, and sell all that they cant, in the summer season. They sell to any that will buy them ; as well to those who belong to ships as those planters on shoar, and 'tis my opinion that not one fourth part of the provisions etc. comes directly from Brittain or Ireland. (xxiv.) I did not observe any of those enumerated comoditys were shipt on ships, bound to Spain, only sugar and tobacco in small quantitys for their present use, and not to merchandize, by reason all the ships that go to Spain lade with fish only, and tobacco, and sugars are prohibited in Spain, and nobody can buy them, but one man that is appointed by the King. (xxvii.) The price of

1717.

fish is commonly broke at 28 or 30 ryals pr. quintal, and carried to Spain, Italy and Portugall, for a market, train oyl from 9 to £10 pr. tun, carried for great Brittain to market. (xxix.) They clear from all the West coast of England and Bristol. The sack ships most from London and Bristoll. (xxx.) 1100 men went to New England the year before I came; and I can't find any way that will intirely prevent that abuse, but the prohibiting the New England ships from trading to Newfoundland. (xxxi, xxxii.) The French have a great number of ships wch. fish on the Banks, but I could never learn what number, by reason they fish further to the Southward than our ships do, and 'tis almost allways foggy *etc.*, and likewise on the coast of Canada and Cape Britton. But they carry on a great trade there 'tis certain. *Answers to Additional Instructions.* (1.) The trees are rinded and the woods destroyed, so much is certain, and not in the power of a Commander of H.M. ship to hinder it, for 'tis done before they arrive in the spring, before they begin their fishery, to repair their stages, houses *etc.* Which can never be prevented without a civill Government settled. (2.) The Admirals observe the Act no farther than consists for their own interests. (3.) The vessels from New England supply Newfoundland with three fourths of their provisions to the great hinderance of the trade of Great Brittain. (4.) As the New England ships seldome depart before H.M. ships sail *etc. ut supra.* (5.) The masters of ships neglect to bring their men home to save charges *etc.* If the master was under a penalty of £10 for every man he carries out of Great Brittain, and not bring him back again, death only excepted, to be paid to the Collector that clears the ship inwards, and those men to be registred by the officer that clears the ship outwards; must prevent the same. (6.) European comoditys are carried to Newfoundland in Brittish ships, directly from France, Spain, and Portugall that is salt, wine and brandy, and sold to the inhabitants wch. is all the supply they have except from New England for of those comoditys none comes directly from England, but bread, pease, oatmeal *etc.*, and clothing, and I find those things have been done time out of mind, and are wink'd at for the sake of trade, and for want of a sufficient power to seize them, and indeed had I seized all those ships which did not come directly from Great Brittain, the major part of the fish must have been left in the country, besides the advantage the New England men would have had, in selling their comoditys of the same sort for double the money they did; and all that with submission may be prevented when they clear, in Great Brittain for Newfoundland, to give bond not to go into any other port to load or take on board any

1718.

goods, directly, or indirectly, for Newfoundland, after they depart from Great Brittain. I have done all that in me lay and took especial care that none of those commoditys so brought into the country was shipt off or sold to any ship bound to any markt, but purely for the supplying of the planters, and without that they could not carry on the fishery, and indeed all this is not one third of the trade, the other is carried on by the New England men, so there is no benefitt arrises to great Brittain; but those Brittish ships that bring cargo's thither tho' not directly from Great Brittain, is only to purchace their cargo's of fish for the Spanish marketts etc. and that cargo loads them home with wines, fruits etc. of the growth of Spain or the place they load at, which pays H.M. dutys at their return.

(8.) With humble submission I think it highly necessary that there should be an entire stop put to the New England trade, otherwise they will in a very little time intirely destroy the Newfoundland trade, and set up a much better fishery in New England, wch. they can do so much cheaper than our people that go out from great Brittain, and carry out their servants and fishermen at the rate of 16 and £18 pr. head for the season, besides ye charge of netts, hooks, lines, and all other contingencys wch. discourages a great many to undertake it, so many having of late miscarried, and all occasion'd by the New England trade carrying off such a number of men, that it is become a rare thing, to carry one man two voyages.

(9.) I have given out several orders, for the Admirals and the oldest masters, and planters, to survey the stages and cookrooms etc. to know what belong to shiproome, and what was boatroome, and their report was they had not been survey'd so long, that their was none knew one from another etc.

(10.) I have made it my particular care to inform myself about the Government; that being the materiall and only thing wanting; 'twould give a new life and spirit to everything etc. On the foot it is now on: he that happens to be the strongest knows everything to be his own etc. Very often the agressor, absconds runs into ye woods and flys from justice, untill H.M. ships are gone, and then down he comes, and reigns Lord again. This has been done by a great many, but especially by one Forde which had a power left him by a Commander of one of H.M. ships to be Governour of Petty harbour etc. I have seen and heard so very much of this that I faithfully beleive, no man liveing in the country of Newfoundland is fit to govern etc., for this set of people that live here, are those that cant live in great Brittain or anywhere else, but in a place without Government etc. *Insists* on need of a Civil Governor "That shan't reside at one place, but have a sloop to visit the several coves etc."

1718.

(11.) I have not heard that the French sell goods to the prejudice of our trade where I have been : there are not above three French living at Placentia and they drive no manner of trade there, but what they do at St. Peters, and the Bay of Fortune, I know not, being places I have not been at ; doubtless they carry their own fishing gear out with them, but none of our people have any corispondance with them, except at St. Peters whither our ships go to buy their fish. *etc.* (12.) I never heard the French did either hunt or furr in the winter. (13.) I could not find that the officers or soldiers were commanded to fish or that they did fish or concern themselves with the fishing, or boats, fishing rooms *etc.* 12½ *pp.*

626. ii. Scheme of the Fishery of Newfoundland, 1717. Fishing ships, 89 ; sack ships, 33 ; ships from America, 44. Burthen of fishing ships, 7530 tons. Number of men belonging to the ships, 2032. Fishing ships boats, 320 ; by boats, 29 ; inhabitants' boats, 402. Number of by boats men, masters, 156 ; servants, 943. Quintals of fish, made by fishing ships, 50,090 ; by byboats and inhabitants boats, 63,900 ; carried to market, 92,680. Train, made by fishing ships, 164 tons ; by byboats, 20 tons ; by inhabitants' boats, 233 tons. Number of stages, 389. Number of inhabitants, men, 1863 ; women, 351 ; children, 608. 1 *p.* [*C.O.* 194, 6. *Nos.* 50, 50 i., ii. ; and (without enclosure, ii.) 195, 6. *pp.* 397-415.]

July 18.
Whitehall.

627. Council of Trade and Plantations to the King. Representation upon 3 Acts of New Hampshire. As to the first, *relating to ideots, quote opinion of Mr. West*, "one of your Majesty's Council learned in the Law" (v. 11th July). *Continue*:—We cannot conceive the said Act fit for your Majesty's Royal approbation, but humbly propose the same be repealed. In which case we have no objection against the Govr. being directed to proceed in relation to ideots and lunaticks in the manner set forth in Mr. West's report *etc.* As to the Act providing for *posthumous children*, tho' some parts thereof may be very reasonable and just, *quote Mr. West 11th July*, upon the whole, we are humbly of opinion, that the said Act is fit to be rejected. In relation to the Act *against High Treason*, *quote Mr. West 11th July and conclude*, Wherefore we are most humbly of opinion that your Majesty should disallow the said Act. [*C.O.* 5, 915. *pp.* 172-175.]

July 18.
Whitehall.

628. Council of Trade and Plantations to Mr. Secretary Craggs. Enclose following to be laid before H.M. *Annexed*,
628. i. Council of Trade and Plantations to the King. *Reply* to Memorial of Danish Envoy, (v. July 3rd.) *State* claims of Denmark to Islands of St. John and Crabb. *Refer* to Representation of 9th Aug., 1717, "which we

1718.

think the Memorial (3rd July) has not in the least answer'd." *Continue* :—We beg leave in addition thereunto to observe that King Charles the 2nd letter to Col. Stapleton in 1672 could not possibly have any such meaning as the Memorial wou'd fix upon it, because the same Col. Stapleton (afterwards Sir William) writes in 1677, to the Lords of the Committee for Trade and Plantations that *the Danes had then no other Colony but St. Thomas and were new planters there*, and in 1682 King Charles sent orders to Sir William Stapleton, not to suffer the Danes to settle on any of the Virgin Islds. except St. Thomas ; Besides it do's appear by the Memorial that the Danes do not pretend to date their claim to the other Islands earlier than 1682. It appears by our said Representation that the Court of Denmark was not only apprized of the complaints against the Govr. of St. Thomas, but likewise so well satisfied of the justice of them as to recall him upon that account and had so very ill an opinion of the said Governour that they even doubted whether he would resign his Govt. to the persons appointed by his Danish Majesty to succeed him to which we can further add that we find in the books in our Office, continual complaints from all the Govrs. of the Leeward Islands successively, from Colo. Stapleton to the present time, and very frequent Representations from this Board to your Majesty's Royal predecessors, of the many and great mischiefs occasion'd to this Kingdom by the settlement of the Danes at St. Thomas. 1st By their encouraging and protecting pyrates. 2nd By supplying the French Plantations in time of war with Navall Stores, subsistence and intelligence, by harbouring their privateers and allowing them to sell their prizes at St. Thomas. 3rd By giving retreat and protection to runaway servants, slaves and debtors from the English Plantations and refusing to diliver them up, when demanded. 4th By carrying on a clandestine and illegall trade with the British Plantations to the prejudice of your Majesty's revenues and of the Trade and Navigation of this Kingdom. We beg leave to observe further that tho the Danes found their claim of right to the Virgin Islands, upon the pretence that they first took possession of them yet they produce no proof of it, but only the bare assertion of a Govr. of St. Thomas (*v. July 3rd*) that he had planted the King of Denmark's standard and establish'd his Commission upon one of those Islands, viz. Crabb Island in 1682 ; Whereas it is notorious that the right of Sovereignty over all the Virgin Islands was lodged in the Crown of England long before that time ; those Islds. having been first discover'd by the English and comprehended in a grant made by King Charles I. to the Earl of Carlisle in 1627, as they have been

1718.

comprehended in the severall Commissns. given from that time to this, to the Governours of the Leeward Islands. It is no less well known that some of the Virgin Islands were very early settled and inhabited by the English, and that the rest of them particularly Tortola, St. Johns and Crabbe Islands have been subservient to the English Colonys in those parts, by supplying them with timber, and by affording a safe retreat for their ships in stress of weather. We cannot but think it pretty remarkable that nothing is said in the Memorial, in vindication of the King of Denmark's title to St. Thomas, since the clearing up this point seem'd to be a very proper and necessary foundation for supporting the Danish pretentions to the other Islands, besides that we had given occasion for it by taking notice in our former Representation (which this Memorial is said to answer) that your Majesty's present Govr. of the Leeward Islands has an Instruction as his predecessors for many years have had, to assert your Majesty's right of Sovereignty over all the Virgin Islands and not to suffer the Danes or any other foreigners to settle on any of them, except St. Thomas and if the Danes should not acquiesce therein to give them to understand they have no title to St. Thomas itself. We cou'd offer severall other considerations, in support of your Majesty's right to those Islands, which the Danes now lay claim to ; but we believe that what we have already said in this, and our former Representations, will sufficiently show how groundless their claim is ; The Danes themselves seem to have been so conscious of it, that without waiting for an answer to the prayer of the Memorial they have already begun to make a settlement on St. Johns, one of the Islands contended for in the Memorial. An account of which settlement we had the honour to lay before your Majesty by Mr. Secretary Craggs, and your Majesty having thereupon been pleas'd to command us, to report what we conceive may be proper for your Majesty to do therein ; We beg leave humbly to represent, that considering your Majesty's undoubted right, to all the Virgin Islands, and how very prejudicial the settlement of the Danes at St. Thomas has hitherto been to your Majesty's subjects in those parts, as well as to the interest of this Kingdom in general, and that this evil would in all likelihood increase in proportion with any further settlements they might make, We think it absolutely necessary, that neither the Danes nor any other foreigners should be allowed to settle on any of the Virgin Island[s], excepting only St. Thomas ; And since the Danes have thought fit to undertake the settlement at St. Johns in opposition to the repeated admonitions of your Majesty's Govr. of the Leeward Islands, pursuant to his Instructions from

1718.

your Majesty, we are humbly of opinion that no time should be lost in asserting your Majesty's right to the said Islands of St. Johns, in such manner as to your Majesty shall seem most proper and effectuell. [C.O. 153, 13. pp. 352-363.]

July 21. **629.** Order of King in Council. Appointment of John Hugg Kensington. to the Council of New Jersey is confirmed. *Signed*, Ja. Vernon. *Endorsed*, Recd. 23rd, Read 24th Jan., 17 $\frac{18}{9}$. 1 $\frac{1}{2}$ pp. [C.O. 5, 971. No. 78 ; and 5, 995. pp. 452, 453.]

July 22. **630.** Warrant from the Lords Proprietors of Carolina to Col. Wm. Rhett, Receiver General of South Carolina, to pay £100 to Charles Hart, Secretary of South Carolina, for necessaries for his office. *Signed*, Carteret, Palatin, Ja. Bertie for D. of Beaufort, Fulwar Skipwith for L. Craven, Maurice Ashley, J. Colleton, J. Danson. [C.O. 5, 290. p. 114.]

July 22. **631.** Lords Proprietors of Carolina to the Governor and Council of South Carolina. In obedience to H.M. Order in Council 14th May, 1718, we do repeal and hereby declare the Act, *laying a duty of £10 p.c. upon all goods of British manufactory imported into that Province from Great Britain* and all matters therein contain'd to be null and void to all intents and purposes whatsoever. We having also taken into our consideration, an Act, *declaring the right of the House of Commons to nominate the publick Receiver etc.*, and finding the said Act to be inconsistent with the safety welfare and good Governmt. of the Province of South Carolina, and inconsistent with and contrary to the usage and custom of Great Britain, do declare the said Act to be null and void *etc.* We likewise having read and consider'd two Acts of Assembly, the one an Act to *keep inviolate and preserve the freedom of elections, and appoint who shall be deem'd and adjudg'd capable of choosing and being chosen members of the Commons House of Assembly*, the other entituled *an additional and explanatory Act* to the foregoing Act, and finding the said two Acts tend to the intire alteration and subversion of the Constitution of the Province of South Carolina and are contrary to the laws and customs of Parliament in Great Britain, we therefore do declare the said two last mention'd Acts to be null and void *etc.* We have read also two other Acts of Assembly, *to appropriate the Yamasee lands to the use of such persons as shall come into and settle themselves in this Province etc.*, and an Act *to grant several privileges, exemptions and encouragements to such of H.M. Protestant subjects as are desirous to come into and settle in this Province*, which two Acts being an encroachment upon the property of us the Lords Proprietors, and tend only to the disposal of our estates to which the Assembly can pretend no manner of right, we therefore do declare the said two Acts to be null and void, *etc.* We having receiv'd a petition from Mr. Joseph Boon, Stephen Godin, Saml. Barons and many other merchants of London, complaining of the Indian Trade Act as a

1718.

monopoly, vizt. the carrying on a trade by a Company, exclusive of all others, and H.M. having been graciously pleas'd upon application made to him by the merchants of London, to repeal the Laws made in Virginia to the same effect, we the Lord Palatin and the rest of the Lords Proprietors of the Province of South Carolina do think it proper to repeal and make void the said Indian Trade Act, etc. *Signed as preceding.* [C.O. 5, 290. pp. 115-117.]

July 22.
St. James's.

632. *Same to Same.* We have read your publick letter to us, and have according to your desire herewith sent you the resolution of our Board held the 3rd March, 17th₁₈, relating to the proportioning of the lands call'd the Yamasee settlement, wch. we require you strictly to comply with, and not to depart from that order upon any pretence whatsoever. We return you our thanks for the care you have taken, in relation to the coin, for as very great inconveniences and confusion must arise from the different rates that the same species of coin did pass in H.M. several Colonies and Plantations, so that being once duly regulated and ascertain'd, it must not only be beneficial to the Trade of your Province, but tend to the advantage of the commerce of H.M. subjects in all the Plantations in America; We therefore recommend it to your further care and consideration, and that you wou'd observe the pains and penalties the persons are liable to, who break the regulations made by the Act of the sixth of Queen Anne. You can't but be sensible how necessary it will be to your own future security, that the arms and ammunition which were lately sent over for the use of the publick be not embezzel'd or apply'd to other uses than they were at first design'd for, We therefore earnestly desire you to send us a more particular account of them by your next letter to us. We have receiv'd another letter from you, dated Dec. 2, 1717, wherein you give us an account of an Act of Assembly, whereby the lower House pretend a right to keep the gunpowder and magazines of the province, which in effect is taking the military power out of the hands of the Government. We have therefore repeal'd and made void that, [*? and*] some other Acts of Assemblies, the several repeals whereof, we have herewith sent you, and upon the receipt of this letter, we think it proper for you to dissolve the present Assembly, and that you forthwith call another Assembly according to the ancient usage and custom of the Province. As to what you write concerning an Act *for the better keeping and preserving the publick arms of the Province*, we do not perfectly understand what you mean by that paragraph, and desire that clause and the custom there mention'd to be claim'd by the lower House of Assembly, may be more particularly explain'd. We are very well pleas'd to find by the behaviour of the House of Assembly that the affairs of the Province are such as do not require our bounty or assistance, and since what we have offer'd has not been accepted by the Assembly, we will give orders that our donative shall be apply'd to such publick uses, as we, upon further consideration shall think most proper and convenient. We do not find, upon

1718.

enquiry that any salaries have been granted or allow'd to such Gentlemen who are in the Council, in any of H.M. Colonies, in America, and our Revenue at present being so very uncertain (nor can it as we conceive without a Rent Roll be reduc'd to any certainty and regularly collected) we think it very improper to lay any further, or greater charge upon it ; But if you (Gentlemen) and the Assembly cou'd find out any means, whereby the charge of the Government, as in other H.M. Colonies, might be supported, and the attendance and expences of the Council and Assembly might be made more easy to them, we shou'd readily give encouragement to and comply with such proceedings. We have according to your request, agreed that an order be prepar'd and sent to Coll. Rhett to pay Mr. Secretary Hart etc. *ut supra*. Signed as preceding. [C.O. 5, 290. pp. 118-120.]

July 23.
Whitehall.

633. Mr. Popple to Governor Hunter. *Acknowledges* letter of 3rd May. *Continues* :—The Acts [of New York] are under consideration, and particularly that for the payment of the remainder of the publick debts. The Lords Commissrs. for Trade and Plantations hope you will be able speedily to give them a full answer to all the allegations in the petition against it (v. 7th May). It being for H.M. service that this Board be at all times acquainted with the absence of Councillors from their posts in the Plantations, their Lordships desire that whenever you give leave to any member of H.M. Council in your Government to be absent from his post, such leave be under your hand and seal and that you forthwith transmit to them a copy of such licence of leave, as also an account when such Councillor departed your Governmt., and to what place he is gone. Lest you should have misunderstood what their Lordships writ to you 16th May, 17¹⁷₁₈ (*sic*), I am to observe to you that by the first clause of the Act of Navigation mentioned in the 3rd Article of your Instructions, relating to the Acts of Trade, no foreign ships are to be allow'd to trade into H.M. Plantations. But their Lordships are of opinion that British ships cannot be condemn'd nor their lading confiscated only for trading to or from foreign Plantations : provided that trade be not carried on in any manner contrary to the laws of this Kingdom or of New York whereby the ships or ladings might be lyable to be confiscated. However their Lordships think you will do well to observe your last orders so far as to discourage this way of trading which is contrary to the Treaties of Peace, tho' not contrary to our laws. Since the writing of this I have receiv'd your letter of the 3rd of June last, and have laid it before ye Board together with your letter to their Lordships of the same date ; upon which I'm only to observe that the business of Mulford's complaints is to be heard before the Lords of the Committee for hearing appeals on Thursday the 31st inst. at which time the papers transmitted by you will be made use of : Tho I have not received from Mr. Philips ye last you mention to have transmitted him. However, I'll send for them that nothing may be wanting to make your innocence and integrity appear : I am surprized you seem to complain of want of letters from me

1718.

having writ to you by almost every conveyance and delivered them to Mr. Philips to be sent to you. This ship being just upon her departure I have not time to make duplicates but shall do it by the next. The Board will expect the Minutes of Council and other publick papers you mention. *P.S.* In the mean time you have here inclos'd a list of such publick papers that are wanting. It is not the business of Mulford that is to be heard as I have sd. above but the compt. of Cox and that is put off to 8th Aug. [*C.O.* 5, 1124. pp. 34-36; and (*corrected draft*) 5, 1079. No. 104.]

July 23.
Whitehall.

634. Mr. Popple to Governor Hunter. The Council of Trade and Plantations are very glad that all things in the Jerseys are so easy at present *etc.* *Refers* to some confusion in the appointment of Councillors; asks for list and reasons, to be given when leave is granted to Councillors, and reminds him of the necessity of having an Agent *etc.* *Repeats preceding instructions as to leave of Councillors and foreign trade.* [*C.O.* 5, 995. pp. 444-447.]

July 23.
Annapolis
Royal.

635. Lt. Governor Doucett to the Council of Trade and Plantations. Encloses following just received *etc.* v. 20th June. *Signed*, John Doucett. *Endorsed*, Recd. 19th Dec., 1718, Read 10th Feb., 17¹⁸/₁₉. *Holograph.* 1 p. *Enclosed*,

635. i. Governor St. Ovide de Brouillan to Lt. Governor Doucett. Louisbourg, 21st July (*N.S.*), 1718. *Reply to* No. 565 iv. I will neglect nothing to maintain the Peace, *etc.* (i.) I have no knowledge of this. (ii.) As to Lassonde and other French inhabitants being settled on the Isles of Canceau, these islands are situated at the mouth of the small entrance of the Gulph of St. Lawrence, otherwise called the River of Canada, it clearly appears by Articles 12 and 13 of the Peace signed at Utrecht, that this place up to the River Ste. Marie ought to belong to the King my Master, since it is this river which constitutes the old boundary of which mention is made *etc.* *Proposes that they should await the decision of their respective Courts etc.* Having been informed that there was a considerable gathering of savages at Canceau, who were beginning to disturb the English who fish there, I went there and held an assembly of the chiefs and told them that they ought not in any wise to interrupt the union between the English and ourselves, but allow them to pursue their trade in peace. They promised accordingly, and have hitherto kept their word *etc.* As to your complaints about the inhabitants of Nova Scotia, you must know how impossible M. de Nikelson and other Governors of Nova Scotia made it for them to fulfil the agreement that was made, some by not being willing to allow them to carry away their goods, and others by not allowing us to send them tackle for the little boats they had built, and which they were obliged to part with for almost nothing to the English merchants. I will not

1718.

fail to inform the King my Master of all you mention, in order that I may receive his instructions. *Requests* return of deserters who have fled to his Government *etc.* *Signed*, St. Ovide de Brouillan. *Copy. French. 2 pp.* [C.O. 217, 2. Nos. 55, 55 i.; and (without enclosure) 218, 1. p. 381.]

July 23. **636.** Mr. Popple to Mr. Lechmere, Attorney General. The
Whitehall. Council of Trade and Plantations desire your opinion, whether by the several Acts of Trade and Navigation, any goods not of the growth, product, and manufacture of Europe may be imported into H.M. Plantations in English built shipping from Ireland or from any foreign Plantation or from any other place whatsoever except Great Britain only. And in case this may be done, from what place or places, and in respect of what goods it is allowable. [C.O. 324, 10. p. 200.]

July 23. **637.** Mr. Popple to Mr. West. *Similar to preceding.* [C.O.
Whitehall. 324, 10. p. 200.]

July 23. **638.** Copy of H.M. Commission to Governor Sir. N. Lawes,
Westminster. for granting pardon to pirates (*v.* July 25). *Endorsed*, Recd., Read 25th July, 1718. 2 pp. [C.O. 137, 13. No. 13.]

July 24. **639.** Mr. Secretary Craggs to the Council of Trade and
Whitehall. Plantations. Commissions for pardoning pirates being now passing the Seals, they are to be transmitted to the respective Governmts. by the first conveyance *etc.* *Signed*, J. Craggs. *Endorsed*, Recd., Read 24th July, 1718. 1 p. [C.O. 323, 7. No. 131; and 324, 10. p. 203.]

July 25. **640.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Craggs. Having perused a copy of H.M. Commission under the Great Seal, whereby the sevl. Govrs. of the Plantations are impowred to pardon such pirates as shall surrender themselves within the time prefix'd by H.M. late Proclamation; and observing thereupon, that H.M. has of his own meer motion been pleas'd to extend his mercy beyond what was promised in the said Proclamation; we thought fit in our circular letters to ye Governors, wherewith we transmit to them the said Commissions, pursuant to H.M. Orders to take notice, that H.M. did promise by His Proclamation to pardon such piracies only, as had been committed before ye 5th of Janry. last, whereas ye present Commissions do impower the several Governors to pardon all piracys committed at any time before the 23rd day of this instant July. And that H.M. most gracious intentions in this particular might be the more effectual; we have in our said circular letters directed the sevl. Governors to publish Proclamations in their respective Governments to notify H.M. pleasure herein. But notwithstanding this direction, we wou'd submit it to His Majty's. consideration whether it wou'd not still be necessary, that H.M. shou'd likewise

1718.

issue his own Royal Proclamation to the same effect. [C.O. 324, 10. pp. 204, 205.]

July 25.

641. Receipt for Governor Sir N. Lawes Commission for pardoning pirates (23rd July). *Signed*, John Symms, Clerk to Ham. Morice. $\frac{3}{4}$ p. [C.O. 137, 13. No. 12.]

July 25.
Whitehall.

642. Council of Trade and Plantations to Governor Sir N. Lawes. Enclose Commission (*v. July 23rd*). Whereupon we must observe to you that H.M. has been pleas'd to extend his mercy, even beyond what was promised by *H.M. late* Proclamation whereby such piracies only were to be pardon'd as had been committed before ye fifth day of January, 1717, but by this Commission you are direct'd to pardon all piracys committ'd before the 23rd day of July, being the date of the said Letters Patents. To the end therefore that H.M. most gracious intention may have ye fuller effect, we desire you would immedeatly upon receipt hereof publish a Proclamation throughout your Government to give notice of H.M. Royal pleasure in this particular. [C.O. 138, 16. pp. 119, 120.]

July 25.
Whitehall.

643. Mr. Secretary Craggs to Governor Sir N. Lawes. I send you inclosed by H.M. command a copy of a Memorial presented to the French Secretary here, relating to the ship *L'Aimable Marie* belonging to Messrs. Bonfils of Rochelle, which had been taken by some vessels of Jamaica; and I am to acquaint you that this complaint having by H.M. order been considered by the Lds. Commrs. for Trade and Plantations, a copy of whose report is also here inclosed, H.M. has commanded me to signify His pleasure to you, that you do not only prosecute the Commanders and Mariners of any ships or vessels concerned in the capture of the said ship *L'Aimable Marie*, but that you do also put the bonds given by the sureties in execution, whereby reparation may be made to the sufferers. *Signed*, J. Craggs. [C.O. 324, 33. p. 180.]

July 25.
Whitehall.

644. Mr. Secretary Craggs to the Governor of the Leeward Islands. It having been represented to the King, on the part of Mr. Buor late an Officer in H.M. service, that some persons, taking advantage from the said Buor's having been removed from his command, are encouraged to distress him in his domestick affairs in America: I am to signify to you H.M. commands that the said Buor be protected in the prosecution of all legal claims within your Government, to the end that H.M. displeasure against him on a publick account may have no influence on the course of Justice with regard to his private property and possessions. *Signed*, J. Craggs. [C.O. 324, 33. p. 181.]

Aug. 5.
Whitehall.

645. Mr. Secretary Craggs to the Board of Ordnance. H.M. has been pleased to approve your report of 10th Sept. relating to the building of forts etc. in Nova Scotia and Placentia, and accordingly you are to advance £200 to Govr. Phillips, and send

1718.

from hence nails and tools for the purposes mentioned *etc.*
Signed, J. Craggs. Copy. 1 p. [C.O. 137, 46. No. 32.]

Aug. 6. **646.** H.M. Warrant continuing licence of absence to John
 Kensington. Cornelius, Naval Officer of Barbadoes, for two years more.
Countersigned, J. Craggs. Copy. [C.O. 324, 33. pp. 182, 183.]

Aug. 6. **647.** H.M. Warrant granting leave of absence to William
 Kensington. Thomas, of the Council of Antegoa, for one year longer for the
 recovery of his health. *Copy. [C.O. 324, 33. pp. 184, 185.]*

Aug. 7. **648.** Mr. Popple to Mr. Carkesse. Enquires if Keys and the
 Whitehall. accounts referred to by Governor Shute, 26th June, have arrived
etc. [C.O. 5, 915. p. 179.]

[Aug. 7.] **649.** William Nuvine to the Council of Trade and Plantations.
 In behalf of Arthur Freeman and Dorothy his wife petitions for
 speedy report upon Act of Antigua to enable *Arthur Freeman etc.*
Endorsed, Recd., Read 7th Aug., 1718. 1 p. [C.O. 152, 12. No. 110.]

Aug. 7. **650.** Governor Hunter to the Council of Trade and Plantations.
 New York. *Encloses duplicates of 7th July. Continues:—*Your Lordships
 have also an account of the Revenue of the Jerseys since my
 administration. But there is no Auditor for that Province.
 As also such an account as I could at this time procure of the
 Revenue of this Province. But the Treasurer absolutely refuses
 to have the accounts audited by the Deputy Auditor here, being
 by the acts made accountable to the Governour, Council and
 Assembly which is the method of audit in both Provinces. I told
 him in Council that whatever obligation he was laid under by the
 acts of Assembly they could never be supposed to dissolve the
 obligation he lay under to account to the King for money granted
 to him in the manner he should please to prescribe. But Mr.
 Clarke the Deputy Auditor has given a more full account to the
 Auditor General of that matter than I can doe. I judged that the
 Representation to her late Majesty from the Governour, Council
 and Assembly in Lord Cornbury's time might give your Lordships
 some further information of the causes of the continuation of the
 old currency of silver in these Provinces and have for that reason
 herewith transmitted it. The account of the patents for lands is
 not so perfect as to be fitt to be sent by this ship which goes to
 Bristoll, but by one bound speedily for London it shall be sent.
 There was little land left in this Province for me to grant except
 that resumed from Captain Evans and of that there remained
 little besides the high-lands which can be put to no manner of use
 but furnishing firewood. The former Governours and Coll.
 Ingoldsby in his short time haveing granted away all that was of
 any value in that tract. The reservation of quit rent is always
 conformable to the Instructions *etc.* Could we extend our
 frontiers there would be land enough. By last post from Boston
 I have a letter from London informing me that one Mr. Baker

1718.

a merchant there has had a sum of money remitted him from hence to enable him to oppose some or all our money bills at home. If we may guesse at his employers by his correspondents they are the same persons who have durement all my time strenuously opposed all publick settlement and support of Government, and if I had not had the good luck to have them left out in the last elections for City members there never had been any such settlement, and I am afraid if ever they get themselves chosen again there will be no further. This I beg may induce your Lordships not to give an easy ear to the suggestions of such men but to lett the people here have an opportunity to answer for themselves in a matter which affects their very being or at least their being happy. Your Lordships cannot but observe the vast increase of trade and shipping here which is the true cause of the unaccountable rage of some of these men who formerly monopolized what is now become so diffusive. Our money bills are equal to silver over the greatest part of the English Continent and 30 per cent. better than the Country bills upon the Change at Boston it self, Our credit better than any of our Neighbours, a more universal unfeign'd duty and firm affection to H.M. and the present happy settlement then is perhaps to be found in any one part of his Dominions, all which may be endanger'd by the ruinous ends which these men are pursuing. Whilst the last Debt bill was preparing in the Assembly the Chief of these men being by chance or design at that time one of the Grand jury for the City perswaded the rest to sign an adress to me against the passing of that bill when it was presented I gave for answer that the bill was not yet before me but I should lay their Representation before the Council and Assembly whom it more immediatly concerned, which accordingly I did. The Assembly sent for them in custodie and justly reprimanded them for their fault. Experience has show'n that the suggestions in that Address are groundless and false. I doubt not but Mr. Baker has laid it before your Lordships for I am informed that he has laid it on the tables of most Coffeehouses in the City. If your Lordships would but be pleas'd to look back into the affairs of this Province durement my time and take a view of the difficultys I have had to struggle with occasion'd in a great measure by these very men, and the good luck or art I have had to get the better of them, and compare the former confusion with the present happy tranquillity I am confident your goodnesse will induce you to make some allowance for failures of small consequence if any there be, and to continue your protection and patronage to me against the rage of a small number of restless men who have nothing in view but their own private interests or the gratifying their resentment *etc.* *P.S.* The Acts last past are not yet ingrossed. *Signed*, Ro. Hunter. *Endorsed*, Recd. 8th Oct., 1718, Read 23rd April, 1719. 4 pp. *Enclosed*,

650. i. Account of families of Germans settled on Hudson's River. 394 families = 1601, not including widows and orphans. *Signed*, Joshua Kocherthal, John Fred. Hager (?). *Same endorsement.* 1 p.

650. ii. Account of the Revenue of New York July 1715-Aug.

1718.

1718. *Receipts*: £19,898 15s. 7½d. *Expenditure*: £17,683 15s. 5½d. *Signed*, A. D. Peyster, New Yorke, 7th Aug., 1718. *Same endorsement*. 2 pp.

650. iii. Address of the Governor Lord Cornbury, Council and Assembly of New York to the Queen, petitioning against the Act for ascertaining the rates of foreign coins etc. (v. C.S.P. 1708-9. No. 157 i). *Same endorsement*. Copy. 3 pp. [C.O. 5, 1051. Nos. 84, 84 i.; and (without enclosures) 5, 1124. pp. 72-76.]

[Aug. 7.] **651.** Account of Revenue of New Jersey, 23rd June 1710-23rd Sept., 1718. *Totals*: Receipts, £9951 4s. 3d. *Expenditure*, £9220 2s. 6d. *Signed*, Thomas Gordon, Receiver General. *Endorsed*, Reed. (with preceding) 8th Oct., 1718, Read 23rd April, 1719. 2 pp. [C.O. 5, 971. No. 80.]

Aug. 8. **652.** Council of Trade and Plantations to Governor Hamilton. Whitehall. *Acknowledge* letters of 10th April and 6th May. *Continue*:—We have laid before his Majesty what you write in relation to the settlement the Danes had begun to make at St. Johns, and suppose you will soon know H.M. pleasure thereupon. In the mean time we send you the inclosed copy of a Memorial lately presented by the Danish Envoy (v. 3rd July), not only for your information but that you may transmit to us such observations upon it as may be of use hereafter. And particularly that you may send us the best information you can of the time, when the Danes first settled St. Thomas, whether any opposition was then made to it? And upon what account it was they were suffer'd to make such settlement. Whether it was by connivance or permission? We desire also to know as soon as possible whether you have yet received any satisfactory answer from the Governour of Porto Rico to the demand you made in behalf of H.M. subjects that were carried off Crabb Island. We have had under consideration an Act pass'd at Mountserrat the 27th of April last, for *quieting possessions etc.*, which by the inclosed report of Mr. West, one of H.M. Council at Law, is not fit for H.M. approbation (v. 27th May). But as the Act may be of use for quieting the possessions of severall persons in that Island, we shall let it lye by, till the Assembly shall have had an opportunity of passing another not liable to those objections. Upon further consideration of the Act passed at Antigua, to *prohibit the importation of foreign sugar etc.*, we have thought necessary to lay the same before H.M. for his disallowance. We should be glad to know from you whether the soil of foreign Colonies where sugar canes are planted be more valuable than that of H.M. Islands under your Government and particularly whether the lands of Guardaloupe or Martinique be preferable to the lands in the late French part of St. Christophers? But as there are likewise many other matters of consequence to H.M. service, whereof we should be punctually informed according to your Instructions, we have reduced the same into certain queries (enclosed), to which we desire to have an answer as soon as conveniently may be, and that for the future you will transmit an

1718.

annual account to the Board which may answer the aforesd. queries. *Annexed,*

652. i. Queries to Genl. Hamilton. (i.) Number of inhabitants, freemen, women and children, servants, white and black, in each of the several Islands under your Government? (ii.) To what degree are those numbers encreased or decreased since the last estimate? (iii.) Whether any of the inhabitants have removed, and what you conceive most proper to prevent such removal? (iv.) What trade is there with any other place besides this Kingdom, and from whence are the said Islands furnish'd with supplies (particularly of any manufactures) that they were wont to have from Great Britain? (v.) How is the trade of the said Islands encreased or decayed of late years, and the reason? (vi.) What are the present methods us'd to prevent illegall trade? and what further methods do you think adviseable for that purpose? (vii.) What number of ships *etc.* are there belonging to the said Islands, where built, and what number of seafaring men? (viii.) What manufactures are settled in the said Islands? (ix.) What is reckon'd to be the annual produce one year with another of the severall commodities in each of the said Islands? (x.) What trade have they with any foreign Plantations? How is that trade carried on? What commodities do they send to, or receive from foreign Plantations? We further desire that you would send us the best accounts you can possibly get concerning the foreign Plantations in your neighbourhood; at what times and by what means they were first possessed? What is the number of the inhabitants and of the Militia or what other military force is in each of these Plantations? What are the severall commodities produced in them? and how much is the annual produce one year with another of such commodities? What trade is carried on to and from these Plantations? What form of Government is establish'd in them and what methods are used to encourage and improve the products and the trade thereof? [*C.O.* 153, 13. *pp.* 352-373.]

Aug. 11.
N. York.

653. Governor Hunter to the Council of Trade and Plantations. Encloses following. *Signed,* Ro. Hunter. *Endorsed,* Recd. 8th Oct., 1718, Read 23rd April, 1719. *Holograph.* 1 p. *Enclosed,*

653. i. Account of grants of lands in New York made during Governor Hunter's administration. *Same endorsement.* *Torn.* 3 pp. [*C.O.* 5, 1051. *Nos.* 85, 85 i.; and (*without enclosure*) 5, 1124. *p.* 77.]

Aug. 12.
Kensington.

654. H.M. Warrant granting licence of absence to Valentine Morris, Lt. Col. of the Regiment of Foot in the Leewards Islands, for one year as a Member of the Council there *etc.* *Countersigned,* J. Craggs. [*C.O.* 324, 33. *pp.* 183, 184.]

1718.

Aug. 12.
Offley Place,
Hertfordshire.

655. Sir H. Penrice to Mr. Popple. Explains that, owing to absence from London, he cannot attend the Board as requested, 7th Aug. *etc.* Signed, H. Penrice. Endorsed, Recd. 13th, Read 14th Aug., 1718. 1 p. [C.O. 5, 867. No. 5.]

Aug. 14.
Whitehall.

656. Mr. Popple to Sir Henry Penrice. *Reply to 12th Aug.* The occasion of the Lords Commissrs'. desiring to speak with you, arose from a letter from Governor Shute (v. 26th June), wherein he says that he had tryed some pirates, which must have been by virtue of a Commission issued for that purpose by the late Queen directed to Col. Dudley or the Govr. of the Massachusetts Bay for the time being, and adds that he had the opinion of the Judge of the Court of Admiralty at home thereupon, which their Lordps. do believe may be a mistake, because Sir E. Northey was of opinion that all the Commissions sent to the several Governors in the Plantations empowering them to try pirates in King William's time, determined by his demise, and advised the same should be renewed upon the late Queen's accession to the Throne, and they were renewed accordingly ; However their Lordps. desire that you would please to let them know what questions Col. Shute did propose to you on this subject, if you can recollect the same. [C.O. 5, 915. pp. 180, 181.]

Aug. 14.
Virginia.

657. Lt. Governor Spotswood to the Council of Trade and Plantations. *Abstract. Encloses Journals and Acts of the last Session. Observations upon the Acts for settling fees and for granting £1000 for maintaining scholars at the College of William and Mary, and some private Acts. Continues :—*There were two others offered for my assent *etc.*, viz. An Act for dividing Westopher Parish and an Act for the better securing the payment of levys. The first framed upon the representation of a part of that parish against the declared sentiments of the greater number of the parishioners, and has so much of a party spirit in it, that it seems for that very reason it pass'd the Council so easily now, when another Bill verbatim the same was unanimously rejected by them last Session as unjust. The last, having been transformed into various shapes by both Houses, is at last so ill liked by many who voted for it, that I judged it not amiss to give them time to consider farther of it, in their next Session, *etc.* He expected that the Council would have promoted the renewing the Treaty with the Five Nations, but they delivered their opinion, that no measures should be taken with those Indians untill they should break into open hostilitys. He therefore proposed to prorogue the Assembly by Proclamation, but the Council being of opinion that an adjourned Assembly could not be prorogued without a meeting, he let them meet and adjourns them by short prorogations, to have them ready in case of any disturbances by the Indians, "that they may be in a readiness to apply a remedy to an evil, which they cannot be perswaded to prevent." Submits this question of proroguing Assemblies under adjournment to the Board's determination. "If the Parliamentary custom of Great Britain, is to be followed here in cases of adjournment, the

1718.

same may as well be urged as a precedent to restrain a Governor from proroguing the Assembly at all without a meeting of the Members : and how great a burthen that would bring upon a country which pays so largely, as this does, both for the attendance and travelling expences of their Burgesses, is very obvious" *etc.* *Refers to Minutes* of Council concerning the behaviour of the Council to himself. They distinguish between the opinions they give as Virginians and as Counsellors to the King. "This is the very ground-work of our discord ; for while I perceive the Creolean is uppermost in all their judgments, I cannot but take them for unfaithful Councelors ; and while they prove me to be staunch for H.M. rights, they will think me a Governor not for their purpose, and for that reason strive to blast my credit" *etc.* *Refers to* a new contest, "which Mr. Ludwell and Mr. Commissary Blair have begun to set on foot, which is to dispute with the Crown the right of supplying the Churches of Virginia with Ministers ; for I having lately preferred to a better benefice, the incumbent of a Parish where Mr. Ludwell and Mr. Blair's brother are Vestrymen, they invited a Minister from another living, and fix'd him in their Parish by a vote of their Vestry *etc.* I laid this matter before the Council 30th July, where Mr. Ludwell and Mr. Blair strenuously opposed the powers granted H.M., urging the practice of the Country in placing and displacing their Ministers, to be of more force *etc.* This pretended right of patronage, has no other foundation than a clause in an Act made in 1662 entituled, Ministers to be inducted," *etc.* *Desires* Attorney General's opinion on this case. *Refers to enclosures.* The Proclamation prohibiting the unlawfull concourse of persons who have been guilty of piracy was occasioned by the great resort to this Colony, of certain pyrates who being cast away in North Carolina, surrendered there upon H.M. Proclamation ; but as there's no great faith to be given to the forc'd submission of men of those principles, it seem'd necessary in a country so thinly inhabited as this is, to restrain their carrying arms, or associating in too great numbers, lest they should seize upon some vessell and betake themselves again to their old trade as soon as their money was spent. There are yet diverse pyrats on this coast, but the men of war cruising about our Capes, has prevented their taking any of our inward or outward bound ships, *etc.* *Refers to* enclosed account of grants of lands *etc.* *Continues* :—The Memorial mention'd in your Lordps.' letter concerning the French settlement at Louisiana was ommitted to be sent, *etc.* I have often regretted that after so many years as these countrys have been seated, no attempts have been made to discover the sources of our rivers, nor to establish any correspondence with those Nations of Indians to the Westward of us, even after the certain knowledge of the progress made by the French in surrounding us with their settlements : The cheif aim of my expedition over the great mountains in 1716 was to satisfy myself whether it was practicable that way to come at the Lakes. Having on that occasion found an easy passage over that great ridge of mountains, wch. before were judg'd unpassable, I also discovered by the relation of Indians who frequent those parts,

1718.

that from the Pass, where I was, it is but three days march to a great Nation of Indians living on a river which discharges itself in the Lake Erie *etc.* *Describes* route of the French from Montreal to Mouville, their chief town in their new settlement of Louisiana. *Continues* :—By this communication, and the forts they have already built, the British Plantations are in a manner surrounded. By their commerce with the numerous Nations of Indians seated on both sides of the Lakes, they may not only engross the whole skin trade, but may when they please, send out such bodys of Indians on the back of these Plantations, as may greatly distress H.M. subjects here : and should they multiply their settlements along these Lakes so as to join their dominions of Canada to their new Colony of Louisiana, they might even possess themselves of any of these Plantations they pleased. Nature tis true has formed a barrier for us, by that long chain of mountains which run from the back of South Carolina as far as New York, and which are only passable in some few places : but even that natural defence may prove rather destructive to us, if the passes are not possess'd by us, before they are known to them. To prevent the dangers which threaten H.M. Dominions here from the growing power of these neighbours, nothing seems to me of more consequence than that now while the Nations are at peace, and while the French are yet incapable of possessing all that vast tract which lyes on the back of these Provinces, we should attempt some settlements on the Lakes, and at the same time possess ourselves of those passes of the Great Mountains which are necessary to preserve a communication with such settlements. As the Lake Erie lyes almost in the center of the French communication, and (as I observed before) not above five days march from the late discovered passage of our Great Mountains ; that seems the most proper for forming a settlement on. By which we shal not only share with the French in the commerce and friendship of the Indians on the banks of the Lakes ; but may be able to cutt or disturb the communication between Canada and Louisiana, if a war should happen to break out. If such a settlement were once made, I can't see how the French could dispute the right, seeing in lands uninhabited, the Law of Nations vests a title in the first occupant ; and should they think fitt to attempt disposessing us by force, we are nearer to support, than they to attack. As this country is the nearest of any other to furnish out and supply such a settlement, and as I flatter myself, that I have attain'd a more exact knowledge than any other Englishman yet hath, of the scituation of the Lakes, and the way through which they are most accessible over land, I shal be ready to undertake the executing this project, if H.M. thinks fitt to approve of it *etc.* The quit-rents of Virginia would answer the charge. *Proposes*, to begin with, "to reconnoitre the country, and find out a proper post to be fortified on the Lakes," *etc.* *Set out*, Spotswood Papers II., 286. *Signed*, A. Spotswood. *Endorsed*, Recd. 3rd, Read 7th Oct., 1718. 15 pp. *Enclosed*,

657. i. Copies of Acts of Virginia and Governor's Instructions *etc.* relating to the collation to ecclesiastical benefices. *Same endorsement.* 2½ pp.

1718.

657. ii. Proclamations by Lt. Governor Spotswood (a) for publishing the repeal of the Acts *for preventing frauds in tobacco payments and for the better regulation of the Indian trade*, and (b) prohibiting trade with the French settlements in America. Williamsburgh, 12th Nov., 1717. 2 pp.
657. iii. Proclamations by Lt. Governor Spotswood (a) prohibiting the harbouring of deserters from H.M. ships of war, Nov. 13, 1717; (b) publishing the repeal of the Acts *prohibiting the unlawfull assembly of Quakers*, and *concerning forreign debts*, 14th May, 1718; (c) prohibiting the unlawfull concourse of such persons as have been guilty of piracy, 10th July, 1718; and (d) proroguing the General Assembly, Williamsburgh, 30th July, 1718. *Same endorsement.* 3½ pp.
657. iv. List of patents granted for land in Virginia by Lt. Governor Spotswood. *States* names, dates, acreage and counties and upon what consideration granted. *Includes* a grant of 46½ acres in Gloucester County to John Lewis, John Smith, and Jno. Washington junr., for importation rights, 28th April, 1711. *Same endorsement.* 11th June, 1718. 24½ pp.
657. v. Account of H.M. Revenue of quit-rents in Virginia, 25th April, 1717–1718. *Total received*, (including £3766 ls. 4d. brought forward and arrears) = £6937 2s. 0¾d. *Total disbursed*, £1408 ls. 4¾d. *Signed*, J. Roscow, Rr. Genll., John Gryme, Depty. Audr., A. Spotswood. *Same endorsement.* 3 pp.
657. vi. Account of H.M. Revenue of 2s. per hhd., Virginia, 25th Oct., 1717–25th April, 1718. *Receipts*, £1144 4s. 11¼d. *Payments*, £2192 15s. *Signed and endorsed as preceding.* 2 pp. [C.O. 5, 1318. Nos. 50, 50 i.–vi.; and (without enclosures) 5, 1365. pp. 142–169.]

Aug. 16.
Offley Place.

658. Sir H. Penrice to Mr. Popple. *Reply to 14th Aug.* Some time ago my Lords Commissioners of the Admiralty sent me a letter from Governor Shute relating to some pirates that were taken, desiring to know what shou'd be done wth. them; it being apprehended that the Act 11° and 12° W. III. *for the more effectual suppressing of pirates*, was expired. My report was to this effect. That the Act was continued by an Act 5° Anna, and since continued by another Act 1^{mo} Georgii, and that it is still in force; and that pirates may be tried in the Plantations by a Commission under the Great Seal of Great Britain, or under the Great Seal of the Admiralty, in manner and form directed by that Act of Parliament. But I am very certain it was never proposed to me to report my opinion whether the Commission issued by the late Queen for the trial of pirates, to Coll. Dudley, or to the Govr. of that Province for the time, determin'd by the demise of the late Queen, or whether it ought to be renew'd upon H.M. happy accession to the Throne, etc. *Refers to Admiralty for copies of correspondence etc.* *Signed*, H. Penrice. *Endorsed*,

1718.

Recd. 18th, Read 19th Aug., 1718. *Addressed. Postmark.*
 1 $\frac{3}{4}$ pp. [C.O. 5, 867. No. 6; and 5, 915. pp. 181-183.]

Aug. 19.
 Whitehall.

659. Mr. Popple to Mr. Burchett. Encloses copy of Sir H. Penrice's letter 16th Aug. *etc.* and desires him to move the Lords Commrs. of the Admiralty to inform the Lords Commrs. for Trade of what passed at their Board concerning this matter. [C.O. 5, 915. pp. 183, 184.]

[Aug. 19.]

660. Extracts of several letters from Carolina. (a) South Carolina, 17th Dec., 1717. Our Assembly by a late Act has encreased the duty of goods imported here *etc.* There is likewise a late Act that 18 months after the ratification thereof lays an additional duty upon negroes of £40 *etc.* Negroes will now fetch a better price than ever *etc.* The Act for carrying on the Indian trade by the publick is continued for 5 years which in the opinion of many is not thought to be for the advantage of the country. We are very much afraid we shall by that means loose in a few years all our Indians who will goe over to the French interest and become greater enemies than ever, the Act is in itself a monopoly and the country has no further to doe in it then to oblige such as should goe amongst the Indians to trade to give security for their good behaviour among the Indians and the Indians themselves are already averse to this manner of carrying on the trade amongst them and deem it as a hardship imposed upon them. There have already been some vessells in the Bay of Mexico Peneicola and Moville with our Indian tradeing goods and have sold them to the French and Spaniards and are return'd hither with considerable quantities of skins and more will be going, tho' there is now since passed a Law to prevent them, here are in port some Bristoll man who now talks of fitting out directly from Bristol to these places which will prove of very evil consequence to this country and by which means we may loose all our Indians and this chiefly by reason that the country has engrossed the whole trade thro' a mercenary and ignorant temper which reigns in most of our people. 'Tis highly reasonable this should be remedied by disannulling the Act at home as they have done that of the Virginia Company for carrying on that trade by a Company Virginia, our Assembly has at length posted the Act for cancelling their bills of credite, this next March is to be paid in a tax of £47,000 of which £24,000 is to sink the same of bills and the remaining £27,000 to pay of sundry orders and debts contracted by the Publick. In March 1718 is to be paid in another tax of £30,000 to sink the same value in bills, so that by March come 12 months will be cancelled £54,000 bills, unless they'l think fitt to break again thro' their Act and forfeit their publick faith, *etc.* (b) South Carolina, 13th June, 1718. Capt. Mede sailed over our barr 18th May in company with Capt. Hudson and Capt. Clark in the *Crowley*, the latter put back for his passengers and boats that he lost goeing over the barr and the 22nd as he was just proceeding from the barr was unfortunately taken by two pirates, one a large French ship mounted with 40 guns and the other a

1718.

sloop mounted with 12 guns with two other sloopes for their tenders having in all about 300 men all English the ship is commanded by one Theach and the sloop by one Richards who have been upon this account in those and other vessells about two years and is the same sloop and company that was off of our barr the last summer and took two vessells inward bound they now took besides Capt. Clarek, Capt. Craigh in a small ship belonging to this place as he went over the barr bound for London and the *William* Capt. Hewes from Weymouth. Whilst these ships were in their possession they sent one of Clark's passengers with Richards and another person master of one of their tenders to towne with a message to send them a chest of medecines which if was refused by the Government they would imediately put to death all the persons that were in their possession and burn their ships *etc.* and threatn'd to come over the barr for to burn the ships that lay before the Towne and to beat it about our ears, as the Town is at present in a very indifferent condition of making much resistance if them or any other enemy should attempt it and that we were very desirious to gett them off our coast by fair means which we could not doe otherwise for want of such helps as other Governments are supply'd with from the Crown, the chest of medecines was sent *etc.* Soon after they dismissed our people and their ships having first taken from the two vessells that were homeward bound what little money they had on board and all their provisions and from the two others the same and distroy'd most of their cargoes *etc.* all for pure mischief sake and to keep their hands in. They made no farther stay (thanks to God) but are gone to the Northward *etc.* Those people are so accustomed to this easy way of living that nothing can reclaime and most of those that took up with the Proclamation are now return'd to the same imployment which has rather proved an encouragement than anything else, there now being three for one there was before the Proclamation was put out. They are now come to such a head that there is no trading in these parts, it being almost impossible to avoid them and nothing but a considerable force can reduce them which at first might have been done at an easy charge, had the Government but rightly appraised what sort of people they generally are and how most of them that first turn'd pirates have formerly lived being such as had always sailed in these parts in privateers and lived in the Bay of Campechia they had not we believe thought that a pardon would have superseded them that being of so near akin to their present way of living. Since they are gone severall vessells are come in amongst which is a brigantine from Angola with 86 negroes which was mett with by the pirates they took from her 14 of their best negroes, she belongs to Bristol, a ship from Boston is also come in which was likewise plunder'd by them, *etc.* The Spaniards and French are very industrious in improving their settlements in these parts and will stick at no charges to bring the Indians entirely under their Government, the latter are like to become very powerful at their settlements of Mobille in a very short time. By the care our Government takes of its Plantations one would

1718.

imagine that they are of no further concern to the Government than they are an opportunity of advancing and gratifying a Courtier or a considerable party man. The neglect of this upon a sudden warr with any of neighbours it's greatly feared may prove of the utmost ill consequence to the rest it being the only barrier we have. Wee wish it may be thought of before it proves too late, it cannot be expected that it can ever become a place well settled under a Proprietary Government and able to defend itself or of any security to our other Plantations *etc.* *Endorsed*, Recd. (from Mr. Godin) 19th, Read 28th Aug., 1718. 5 pp. [C.O. 5, 1265. No. 107.]

Aug. 20.
Hampton
Court.

661. H.M. Warrant for John Gamble to be of the Council of Antegoa in the room of Richard Oliver deceased. *Countersigned*, J. Craggs. [C.O. 324, 33. p. 185.]

Aug. 20.

662. J. Miranda to the Council of Trade and Plantations. *Refers to Instructions to Governors 31st July, 1717. Continues :* In Feb. last my ship *Hampstead* English built was obliged to pay at New York 3s. per. tonn pursuant to a Act of their Assembly which lays a duty upon all English ships of 3s. per tonn and excludes their plantacion built ships from paying the same. The abovesaid ship being now departing to New York, *prays* that instructions may be sent that this scandalous practice may have an end *etc.* *Signed*, J. Miranda. *Endorsed*, Recd., Read 21st Aug., 1718. 1 p. [C.O. 5, 1051. No. 72.]

Aug. 20.

663. Mr. West to the Council of Trade and Plantations. *Reply to June 26.* By the Act of New York *for paying and discharging several debts due from this Colony, to the persons therein named etc.*, it is proposed to raise a fund sufficient to pay of all the publick debts of ye said Colony, some of wch. are in the preamble recited to be due to severall companies of soldiers (and their families) who had been employ'd by ye Governmt. of ye said Colony presently after ye Revolution, for the defense of the same ; and also to severall persons who at the same time had furnish'd the Government with goods necessary for ye publick service, for wch. debts no provision had ever been made *etc.* I have been attended by several merchants of London trading to New York. Their first objection is that several sums are to be paid upon claims disallowed by the Act of 1714 *etc.* But I am of opinion that the merchants of London are not proper to object to what debts ought to be allow'd or disallow'd, that being a thing which is absolutely in the power of the Generall Assembly *etc.* The only head upon which the merchants can properly object is by showing that the manner in wch. ye publick debts are proposed to be paid will be prejudiciall to the trade of Great Britain *etc.* It is certain that the only considerable sufferers by it are the merchants of Great Britain who trade to that Province. This Act raises money upon an anticipated fund wch. is appropriated for 17 years to come, during wch. terme no interest is provided for these bills of credit nor any persons appointed (let

1718.

the necessities of merchts. for want of money be never so great) to pay any money upon the said bills during the time of their circulation. So that the British traders to that country are by their Factors, under pain of loosing their debts, oblidged to accept of these bills in payment for their freight, goods etc. at par, when they are upon the beforementioned account actually at 30, 40 and 50 pr. cent discount. By an order of your Lordpps.' Board made about 10 or 11 years agoe, to ye end that ye merchants of Great Britain might be at a certainty in the carrying on their trade, it was made a generall rule to be observ'd by the Governors of ye Plantations that 17 pwt. 12 qrs. of plate should pass current but for 6s. sterling and no more being after ye rate of 6s. 10d. pr. oz. But as it is represented to me (*v. enclosure*), by this method of creating paper money silver is advanc'd from 6s. 10d. to 9s. per oz., so that ye merchants for what goods they had sold before ye issuing of these bills of credit, and for wch. their money is still standing out must loose 33 p.c. And what is still a greater hardship upon our British merchants the inhabitants of New York take this further advantage, when a cargoe arrives in that Colony, they knowing that ye long lying of a ship will eat out ye profit of the voyage and that the goods imported may not be proper for any other Colony force the merchants to sell their goods at the usuall price, for wch. they pay them in these bills of credit at par, which being of no value in any other place, they are sure of haveing them back again for their own commodities at their own rates. It does not clearly appear to me, that ye merchants can be any losers in consequence of these bills, but only for the debts now actually due, for I beleve all merchants in future contracts will take care to proportion the price of goods to the discount the bills of credit are at. By the Instruction of 31st July, 1717, Governors are directed not to pass any law which may anyways affect the trade or shiping of this Kingdom, unless there be a clause therein declaring the same shall not be in force untill it be approv'd by H.M. This Act does seem very materially to affect the trade of this Kingdom, especially if it be considered that it continues the customes etc. which commodities are imported into that Colony by British shiping, and that imediatly upon ye passing of this Act, Bills of Credit were in pursuance of it struck and sent about for payment, which is a very material variation from the method taken in 1714, when a bill of ye same nature was pass'd, since in that bill there is a clause to this effect, That none of the intended bills of credit should be struck or pass current, before the Royall assent was signified *etc.* Which is a caution I am of opinion ought in prudence to have been observ'd in the drawing of this Bill. And it is indeed ye only objection in point of law which I have unto it. All the others are perfectly merchantile, and matters of a prudentiall consideration. From the Governor's letter and the Agent it appears that the ends for which the said money was given, were perfectly just and honourable, and that the money given to the Governor was to defray the extraordinary or incidental charges of Government, which happens in all countries and cannot be foreseen. And therefore

1718.

in that particular I am of opinion that his accepting the said summe for those purposes is not contrary to the Instruction of 20th April, 1703 *etc.* *Concurs* with the Governor, that since the bills of credit are actually current, they cannot now be called in again without throwing the Colony into the utmost confusion. *Signed*, Richd. West. *Endorsed*, Recd. 26th Aug., 1718, Read 22nd April, 1719. $4\frac{1}{2}$ pp. *Enclosed*,

663. i. Memorial by Merchants trading to New York. Objections to the Act of New York referred to in preceding. *Signed*, Char. Lodwick and 5 others. With a declaration by 4 masters of ships lately come from New York:— Since Jan. last there has been issued out new bills of credit the wh. we and others were obliged to take for freight equall to silver money. 1 p. [*C.O.* 5, 1051. Nos. 82, 83; and (*without enclosure*) 5, 1124. pp. 64–71.]

Aug. 21. **664.** Mr. Carkesse to Mr. Popple. *Reply to 7th Aug.* Mr. Custom House, London. Kay did not deliver any such accot. here, *etc.* *Signed*, Cha. Carkesse. *Endorsed*, Recd. 22nd, Read 26th Aug., 1718. *Addressed*. 1 p. [*C.O.* 5, 867. No. 8; and 5, 915. pp. 200, 201.]

Aug. 21. **665.** Council of Trade and Plantations to Mr. Secretary Whitehall. Craggs. When we had under consideration the Instructions for Sr. Nicholas Laws, H.M. Governor of Jamaica, we found several things therein, which we thought necessary to be alterd, and having represented the same to H.M.; He was graciously pleasd to approve thereof. We therefore now humbly offer, that the like alterations be made in the Instructions to the other Governors, *mutatis mutandis*, as near as the nature of each Govt. will allow, according to the inclosed papers, *etc.* [*C.O.* 324, 10. p. 206.]

Aug. 21. **666.** *Same to Same.* Propose *as above* alterations in Whitehall. Instructions of Governor of Barbados, in articles iii., ix., x., xv., xxv., xxvi., xlix., lxviii., lxxxv., xcvi. [*C.O.* 29, 13. pp. 486–497.]

Aug. 21. **667.** *Same to Same.* Enclose amendments proposed to be Whitehall. made in the Instructions of Lt. Governor Bennett. [*C.O.* 38, 7. pp. 346–357.]

Aug. 22. **668.** Mr. Popple to John Lloyd, Secretary to the Post Master Whitehall. General. Encloses extract of Lt. Governor Spotswood's letter June 24. [*C.O.* 5, 1365. p. 142.]

Aug. 22. **669.** Mr. Burchett to Mr. Popple. *In reply to 19th Aug.,* Admiralty Office. *encloses following.* *Signed*, J. Burchett. *Endorsed*, Recd. 22nd, Read 26th Aug., 1718. $\frac{3}{4}$ p. *Enclosed*,

669. i. Mr. Burchett to Sr. Hen. Penrice, Judge of the Admiralty. Admt'y. Office, 25th June, 1717. Encloses letter from Mr. Dudley to Mr. Dummer, and desires his

1718.

opinion in what manner the pirates in custody in New England may be properly and legally proceeded against. *Signed*, J. Burchett. *Endorsed*, Recd. 22nd Aug., 1718. *Copy*. 1 p.

669. ii. Sir H. Penrice to Mr. Burchett. *Reply to preceding*. I am of opinion, that, the pirates in custody in New England may be most properly and legally proceeded against according to the Act of the 11th and 12th K. William III continued in the reign of Q. Anne and 1^{mo} Georgii *etc.* as 16th Aug. *Signed*, H. Penrice. *Endorsed as preceding*. *Copy*. 1 p. [C.O. 5, 867. Nos. 7, 7 i., ii.; and (without enclosures) 5, 915. p. 200.]

- Aug. 23. **670.** Receipt by Tho. Smith, the ship *Beaver*, for a red gilt leather box from A. Philips for Governor Hunter (Commission for pardoning pirates). *Signed*, Tho. Smith. *Endorsed*, Recd. 14th, Read 15th Oct., 1718. 1 small p. [C.O. 5, 1051. No. 78.]

- Aug. 23. **671.** Reference of enclosed petition to the Attorney General. Whitehall. *Countersigned*, Roxburghe. $\frac{1}{4}$ p. *Annexed*,

671. i. Petition of Sir Robt. Mountgomery to the King. *Refers* to report of Board of Trade upon his design to make a settlement at Azilia in Carolina. By reason of the Indian war petitioner has been at expense beyond his expectation. *Quotes* case of grant of licence for a lottery in aid of Virginia in 1612. *Continues* :—Encouraged by this precedent and humbly conceiving, that the Act concerning lotteries, as it was made by an English Parliament, long before the happy union of the two Kingdoms, does not extend to your Majesty's Dominion of North Britain, Petitioner therefore most humbly prays that your Majesty, taking into your Royal consideration, the general usefulness of the petitioner's design, will be graciously pleased to grant to him and his assigns, your Royal licence for proposing, establishing and causing to be drawn (within twelve months from, and after the date of the said licence) a Lottery in your Majesty city of Edenborough, or in any of the Royal Boroughs of North Britain, to be drawn openly, and in the usual, and most publick manner, with, and under the inspection of the Magistrates of that City, or Borough *etc.*, Petitioner to issue, by some Bank or Society 100,000 tickets at the rate of 40s. per ticket, the highest prize being £10,000 and the rest at the discretion of petitioner, provided that the general proportion of blanks to prizes shall not be more than four to one, and that the amount of prizes, in the whole, shall be equal to the full summe, which shall arise by the sale of the tickets, after a deduction of 15 per cent. for petitioners expenses in supporting the settlement above mentioned *etc.* 2 pp. [C.O. 5, 383. Nos. 3, 3 i.]

1718.

Aug. 26.
Portsmouth.

672. Mr. Bridger to the Council of Trade and Plantations. I have since my last discovered some persons who have made it a practise to destroy a great number of large mast trees in H.M. woods by cutting them down and sawing them into plank *etc.* I design to prosecute them forthwith *etc.* Upon viewing the Eastern parts I have found a great swamp of 10 miles and 4 broad full of good white pine trees of the first sort *etc.* It lies near a navigable river whence they may be shipped for Great Britain *etc.* These parts being now settling and the people building saw mills on every river and brooke almost, which will soon cutt down these fine pines, and all others, unless an imediate care be taken by Acts or such other methods as your Lordships shall think proper *etc.* Mr. Cooke has perswaded the people H.M. has no right to the woods in this country and agreeable to that oppinion they designe to act the next winter as they give out, what method I must act on, I cannot yet see *etc.* I find it very difficult to protect the least part of H.M. woods singly by myself, from the common wasts, made therein by the inhabitants of the frontier places near those woods *etc.* Signed, J. Bridger. *Endorsed*, Recd. 2nd, Read 3rd Oct., 1718. $1\frac{3}{4}$ pp. [C.O. 5, 867. No. 14; and 5, 915. pp. 217, 218.]

Aug. 27.
Hampton
Court.

673. H.M. Commission to Charles Charnock to be Deputy Judge Advocate of the Forces at Placentia. *Countersigned*, J. Craggs. [C.O. 324, 33. p. 186.]

Aug. 27.
Hampton
Court.

674. Order of King in Council. Repealing three Acts of New Hampshire, *for the relief of ideots; providing for posthumous children; and against High Treason etc.* Signed, James Vernon. *Endorsed*, Recd. 23rd, Read 24th Jan., 171 $\frac{8}{9}$. $1\frac{1}{4}$ pp. [C.O. 5, 867. No. 24; and 5, 915. pp. 241, 242.]

Aug. 27.
N. York.

675. Governor Hunter to Mr. Popple. *Abstract.* Cannot write to the Board as he is summoned by express to meet the Indians at Albany. Intends to meet the Assembly next month, and is confident he will then be able to remedy what is really amiss. But if too easy an ear is given to self interested little merchants there or spiteful ones here, it is to no purpose for him to remain on that side. The Acts last past, which are of no consequence, are not yet ready, owing to a lack of parchment *etc.* He perceives that his interests move more heavily than usual, but cannot assign a reason. Thinks nothing can prevent his returning in the Spring, but God alone is the disposer of futuritys. *Set out*, N.Y. Col. Docs. v. p. 516. Signed, I am for ever intirely Yours, Ro. Hunter. *Endorsed*, Recd. 16th Oct., 1718, Read 23rd April, 1719. *Holograph.* $3\frac{1}{2}$ pp. *Enclosed*,

675. i. List of 9 Acts passed at New York, 1718. *Same endorsement.* 1 p. [C.O. 5, 1051. Nos. 86, 86 i.; and (without enclosure) 5, 1124. pp. 77, 78.]

Aug. 28.
Whitehall.

676. Council of Trade and Plantations to Governor Hunter. *Refer to* memorial of Mr. Miranda (v. 20th Aug.), complaining of

1718.

duties raised at N. York upon English ships, “ which we suppose to be [*by virtue of*] the Revenue Act and the Act to *oblige all vessels etc. to pay duty*. But as we sent you 3rd Feb. last our objections to those Acts, which are now confirmed by Mr. Miranda’s complaint, and did then recommend you to get an Act passed for removing those objections, we hope it is already done or will be very soon otherwise we shall be obliged to lay those Acts before H.M. for his disallowance, and we do not doubt but you will take particular care for the future pursuant to the late Instruction from H.M. that no Acts be passed in your Governmts. which may affect the Trade or Navigation of this Kingdom.” [*C.O.* 5, 1124. *pp.* 37, 38; and 5, 1079. *No.* 105.]

Aug. 28.
Whitehall.

677. Council of Trade and Plantations to Mr. Secretary Craggs. We had the honour to communicate to you some time ago such accounts as we had then received, in relation to the pirates in the West Indies and to the state of Carolina *etc.* *Enclose* Governor Johnson’s and other letters of 18th June and 19th Aug. upon the same subject, that you may lay the same before H.M., and receive his orders thereupon. [*C.O.* 5, 1293. *p.* 157.]

Aug. 28.
Whitehall.

678. Mr. Popple to Mr. Burchett. Encloses extract of Governor Johnson’s letter June 18, for the information of the Admiralty. [*C.O.* 5, 1293. *p.* 158.]

Aug. —

679. Roger Tublay to Lord Carteret, Secretary of State. A statement of his claim against Don Antonio Casado, son of the Marquis de Monteleon, Ambassador to the Court of Great Britain, in the matter of protested bills for £2000, given by him to the order of Col. Thomas Beckford, June 10, 1718. *etc.* *French.* 5½ *pp.* [*C.O.* 137, 46. *No.* 35.]

Sept. —
Hampton
Court.

680. H.M. Warrant and Commission to Thos. Betts to be Naval Officer in Jamaica, with a clause obliging him to residence, and revoking the letters patent of William Norris. *Counter-signed*, J. Craggs. [*C.O.* 324, 33. *pp.* 187, 188.]

Sept. 1.
Jamaica.

681. Governor Sir N. Lawes to the Council of Trade and Plantations. *Encloses duplicate of 20th June, and acknowledges letter etc. of 4th April.* *Continues* :—The Acts referred to I have caused to be enter’d in the Council books and published in the usual forme. The objections your Lordps. have made in your Representation to H.M. against the passing of those laws on which he has been please[d] to signifie his disallowance, appears so strong that I am in hopes the Assembly will see their error and frame such other laws for the good of their countrey as may not be lyable to the same objections. I have particularly signified to them that if they shall not judge the Acts of 1703 and 1712, which are now in force, sufficient for the encouragement of white people, I will readily give my consent to a new law for that purpose in which care shall be taken that no temporary law do repeal a perpetual one; and that no act shall repeal a perpetual Act

1718.

confirm'd, without H.M. leave, or a clause declaring such an Act not to be in force til H.M. pleasure be knowne. As to the Act *for the effectual discovery of all persons that are disaffected to H.M. etc.* which remains at present in suspense, I have endeavour'd to get the best information I could, both with respect to the benefit and advantage of such a law, as also the inconveniency's and disadvantages of it, and upon the whole I am of opinion it is not suitable in many respects to our condition as an unpeopled Colony, the same obliging all officers civil and military within this Island to receive the holy Communion within a month after the publication of their Commissions, which has occasion'd many to lay down and so become reform'd officers who are really gentlemen well affected to H.M. and his Government, and I cannot say, that we have either many Roman Catholicks or Dissenters amongst us. Therefore in my humble opinion if your Lordships thinks fit, that Act may be laid before H.M. for his disallowance. *Refers to enclosures and Address of Assembly. Continues* :—I humbly begg your Lordships' favourable assistance in getting it presented to H.M. in an acceptable manner. The Assembly did likewise testifye their satisfaction under my Government in an Address a copy whereof comes herewith. On the 23rd past I did with the unanimous advice of the Council adjourn the Assembly til the 24th inst., by reason of the sitting of the Grand Court, the Speaker being Chief Justice and severall of the Judges and Lawyers Members of the House, it was impracticable for them both to sit together and as the last Grand Court had been adjourn'd without doing any business, both myself and the Council were of opinion that it was better for the Island to have the present Grand Court meet to prevent a delay in Justice, then to continue the Assembly sitting. I therefore gave them a recess for one month which seem'd agreeable to most of the Members thereof, and I hope they will fullfill what they have engag'd by their Resolutions. I observe by one of their resolutions they seem to have misconstrued that paragraph of my Speech, wherein I recommend to them the passing of a law to subject their real estates or the produce thereof towards the payment of their just debts, at their next meeting. I shall endeavour to convince them of the justness of subjecting their estates for that end and am in hopes they will come into it. I am sorry H.M. recommendacons to them has hitherto prov'd ineffectual for reimbursing the Lord A. Hamilton and the Council for moneys advanced by them for the subsistance of H.M. forces here. Your Lordships will observe by my Speech in what pressing terms I recommended it to them, and notwithstanding their Resolution that it ought not to be paid, yet I am in great hopes at their next meeting they will consider the justness of that demand and pay obedience to H.M. recommendacon, I shall not be wanting in promoting all I can towards it. *Encloses Naval Officers Accounts etc., and that of the Collector of Customs. Continues* :—Whereby you will observe how small a share of seizures comes to H.M. proporcon, and I cannot help taking notice to your Lordships upon this occasion, that in all former Governments H.M. share of seizures

1718.

were paid into the hands of the Governour and he to be accountable to the Lord High Treasurer in Great Britain. The first instance of the contrary was upon an application of Mr. Beckford, Comptroler in Mr. Heywood's Government, for the Lord A. Hamilton to pay into the Collector's hands H.M. share of all the seizures that had hapned in his Lordp's. Government, which Mr. Heywood accordingly order'd. *Refers to Minutes of Council, Aug. 23 and 25, 1716. Continues* :—I confess I have not been able to find out what inducements Mr. Heywood had to give such a positive direction *etc.*, especially when the Councill where equally divided in their opinions; I hope your Lordships will please to take the same into your consideration for it plainly appears by this account that H.M. reaps little advantage from seizures the greatest part being swallowed up in extravagant and unnecessary charges and sallarys to the officers. I therefore propose it to your Lordships to move H.M. that he wou'd be graciously pleas'd to grant his share of all such seizures in this Island as may happen from time to time for breach of the Acts of Trade towards the support of the Government thereof. Since I had the last honor to write to your Lordships, I have taken an opportunity with a Committee of the Councill to view the fortifications on Port Royall wch. I found very much out of repair, and severall implements and stores wanting. I ordered a survey to be taken of the ordnance and stores, coppys whereof comes herewith, together with a list of what ordnance stores and other implements of war, which are wanting and necessary as return'd by a Committee of the Councill with their opinion thereupon and I humbly desire the favour of your Lordships to lay the same before H.M. with your recommendacons that he may be graciously pleased to give directions to the Board of Ordnance to supply us with the same. I think it my duty to acquaint your Lordships, that severall people have been lately sent over out of the gaols in England, upon the encouragement of an Act of Parliament pass'd the last Sessions, *for the further preventing robbery etc. and for the more effectual transportation of felons etc.*; Those people have been so farr, from altering their evil courses and way of living and becoming an advantage to us, that the greatest part of them are gone and have induced others to go with them a pyrating, and have inveglied and encouraged severall negroes to desart from their masters and go to the Spaniards in Cuba, the few that remains proves a wicked lazy and indolent people, so that I could heartily wish this country might be troubled wth. no more [of] them. The Spanish gentleman Don Juan del Valle who has been in this Island for some years past solliciting for restitution for severall losses the Spaniards hath sustained by English pyrates has receiv'd an answer from myself and the Councill to a Memoriall he deliver'd in some time after my arrivall of wch. I send your Lordships a copy, and seeing, we have nothing more in our power to make restitution but the money deposited by Lord A. Hamilton, his staying longer in this countrey was thought unadviseable especially he giving great umbrage to the merchants, who suspected he gave intelligence to the Spaniards

1718.

on Cuba, the time of their ships sailing from this Island by means of which information the Spanish Guardalacoasts (whom I can call no better than pyrates) lay in wait and has taken severall of their ships, the said Don Juan was with the unanimous advice of the Council desired to depart this Island in 21 dayes. He thereupon applyed for coppys of all his memorialls, answers etc. attested under the Seal of the Island which was allowed him, and now I am inform'd he designs for England by this conveyance. *Signed*, Nicholas Lawes. *Endorsed*, Recd. 8th, Read 11th Nov., 1718. 12 pp. *Enclosed*,

681. i. List of enclosures. *Same endorsement.* $\frac{1}{2}$ p.

681. ii. Copy of the Resolutions of the Assembly of Jamaica upon the Governor's Speech, 19th Aug., 1718. (*v. Journal of Assembly*). *Same endorsement.* $3\frac{1}{4}$ pp.

681. iii. Address of the Council and Assembly of Jamaica to the King. Aug. 9th, 1718. We acknowledge with the highest gratitude your unwearied endeavors for our safety and prosperity, a signal instance of which we have lately been favour'd with, in your Majesty's appointment of Sr. N. Lawes, who from his former just administration, in the subordinate offices of this Island, his perfect knowledge of our Constitution, and from his being also engag'd in interest with us; we perswade ourselves will fully answer your Majesty's purposes in such appointment. *Return thanks* for H.M. ships of warr for guarding of our Island, and protecting our trade against pyrates, who notwithstanding your Majesty's gracious promise of pardon are grown so numerous and insolent, that the subduing them requires not only a greater number of ships but a much greater vigilance than has hitherto been shewn by the Commanders of those ships fitted for our immediate service. And here we begg leave to represent to your Majesty, that we are without hopes of being freed from the depredations and barbaritys daily committed by those common enemys, untill your Majesty in your great wisdom shall think fit to order the commanders of your ships here to follow the direction of our Governor in their cruises, and untill such commanders are prevented trading on the Spanish coast, or elsewhere, by the gain of which they are necessarily tempted to neglect the service of the Island, and by their carrying on the remains of our Trade, without the expence of hire-wages or victualling; our seafaring men wanting their usuall employ, are the easierseduc'd to turn pyrates etc. Our chief aim in all our proceedings shall be to render us an acceptable people to the best of Kings etc. *Signed*, Ja. Daniel, Clk Council, Wm. Nedham, Speaker. *Same endorsement.* *Copy.* $2\frac{1}{4}$ pp.

681. iv. Address of the Assembly of Jamaica to Governor Sir N. Lawes, with his reply, 12th Aug., 1718. *v. Journal of Assembly. Printed by R. Baldwin in Kingston. Price one bit.* *Same endorsement.* $1\frac{3}{4}$ pp.

1718.

681. v. Account of the Collector of Customs, Jamaica, 25th March–24th June, 1718. *Signed*, George Dawes. *Same endorsement*. 1 p.
681. vi. List of Ordnance Stores wanting in Jamaica. *Same endorsement*. 1 p.
681. vii. Survey of the Ordnance Stores, Port Royal, May 1st, 1718. *Same endorsement*. 1 p.
681. viii. Survey of Ordnance Stores, Port Royal, July 26th, 1718. *Same endorsement*. 1 p.
681. ix. Reply to the Governor and Council of Jamaica to Don Juan del Valle (*v. supra*). H.E. and the Council are extremely concern'd at the hostilities and pyracies that have been committed by the subjects of Great Britain on those of his Catholick Majesty. They will use their utmost endeavours to discountenance and prevent all such practices for the future *etc.* His Majesty has been pleas'd to grant his pardon to the persons concern'd in the pyracies complain'd of. Far the greatest part of the money and effects had been carried into other parts and spent by the disorderly seamen. They had nothing immediately in their power but the money deposited by Lord A. Hamilton and some few effects taken out of the sloop *Kensington* which they shall not only be ready to restore, but likewise to cause the severall owners of the sloops *Bennett*, *Eagle* and *Bersheba* to make restitution, when they receive H.M. commands for that purpose. At the same time they hoped that the subjects of the King of Spain would be as ready to make restitution to the subjects of the King of Great Britain for their losses which are equall if not superiour to those sustained by the Spaniards. *Same endorsement*. *Copy*. 1½ pp. [C.O. 137, 13. Nos. 16, 16 i.–ix.; and (without enclosures) 138, 16. pp. 131–144; and (extract of covering letter and Nos. vi.–viii. only) 137, 46. Nos. 33, 33 i., ii.]

Sept. 1. **682.** *Same* to Mr. Popple. *Acknowledges letter of 4th April etc. as in preceding.* The Assembly have ordered a bill to be brought in, appointing an Agent or Agents who are to be sufficiently instructed and empower'd to transact the business of this Island in Great Britain and care shall be taken that such Agent or Agents be not dependant wholly upon the Assembly but joyn'tly upon the Governour, Council and Assembly in the manner prescrib'd by their Lordships. Herewith I send you the old Broad Seal of the Island broke in peices before me in Council *etc.* *Signed*, Nicholas Lawes. *Endorsed*, Recd. 8th, Read 12th Nov., 1718. 1¾ pp. [C.O. 137, 13. No. 17; and 138, 16. pp. 145, 146.]

Sept. 2. **683.** Memorandum of receipt for the Commission to pardon pirates, to be delivered to the Governor of New England. *Signed*, Saml. Cary. *Endorsed*, Recd. 2nd Sept., 1718. ¼ p. [C.O. 5, 867. No. 9.]

1718.
Sept. 2. **684.** Deposition by Sir Robert Mountgomery of Skelmorly that he doth bona fide design to make a settlement in Carolina etc. as Feb. 9. Signed, Rob. Mountgomery. $\frac{1}{2}$ p. [C.O. 5, 383. No. 4.]
- Sept. 3. **685.** Council of Trade and Plantations to Mr. Secretary Whitehall. Craggs. Enclose extract of letter from Governor Sir N. Lawes, 21st June, to be laid before H.M. [C.O. 138, 16. pp. 126, 127.]
- Sept. 3. **686.** Mr. Popple to Mr. Burchett. Encloses similar extract Whitehall. for the information of the Lords of the Admiralty. [C.O. 138, 16. pp. 127, 128.]
- Sept. 4. **687.** Lords Proprietors of Carolina to Governor Robert St. James's. Johnson and the Council of Carolina. Whereas by our Instructions to you our Governor, 30th Aug., 1717, we strictly enjoin'd you to reduce that paper credit, which was pretended to be establish'd amongst you by your Bank Act, to which Act we always shew'd our dissent and dislike, and directed you to put in execution the Act of the 6th of the late Queen, for *ascertaining foreign coin etc.*, and we have been inform'd, that in pursuance to our Instructions, you have us'd your endeavours to put the aforesaid Act of the Queen in execution and have also pass'd lately an Act of Assembly call'd the Tax Act, whereby many, if not most of the said Bills of Credit are or will be sunk and paid off. But we receiv'd a petition from the London merchants, at our last Board, wherein they set forth, that they were inform'd, that an intention or design was on foot to elude your late Act of Assembly call'd the Tax Act, in breach of the publick faith, or to stamp more bills of credit, they humbly pray, that no more bills of credit shou'd be allow'd of by us the proprietors and that we wou'd not suffer the said Act of Assembly so lately pass'd (pursuant to the Instructions given to our Govr.) to be anyways eluded or evaded. We therefore having taken the petition of the said merchants, into our serious consideration and reflecting on the many inconveniences that must ensue, if either of the merchants' suggestions shou'd take effect. We therefore the Lords Proprietors do strictly enjoin and command you Our Governor and said Council, not to give your consent to any act of Assembly to be hereafter pass'd or that may alter or any way evade the said Tax Act for the lessning the Bills of Credit, and that you do not consent to the makeing or stamping any new bills of credit for the future until our pleasure be first made known to you upon that account. We having also receiv'd further information of a design in the Assembly to set a price upon the country commodities, and to make such commodities at such price be a good tender in law in discharge of all debts; We do also enjoin and command you Our Govr. and Council not to consent to any such law without first sending to us and laying the copy of such bill before us for our consent and approbation. Signed, Carteret P., Ja. Bertie for D. of B(eaufort), Fulwar Skipwith for L. C(raven), M. Ashley, J. Colleton, J. Danson. [C.O. 5, 290. pp. 121, 122.]

1718.

Sept. 5.
Admiralty
Office.

688. Mr. Burchett to Mr. Popple. *Reply to Sept. 3rd.* Upon complaints formerly received of the like nature, by my Lords Commrs. of the Admiralty, orders were sent to all the Captains of H.M. ships in those parts to use their utmost diligence not only in cruizing against the pirates, and for the security of the trade, but not to take on board, and carry from one port to another any merchant's goods, upon any account whatever, and those orders are again repeated to the Commander in cheif of the ships at Jamaica. *Signed, J. Burchett. Endorsed, Reel. 8th, Read 23rd Sept., 1718. Addressed. 1 p. [C.O. 137, 13. No. 15; and 138, 16. pp. 129, 130.]*

Sept. 6.

689. Mr. Perry to Mr. Popple. Encloses following. *Signed, Micajah Perry. Endorsed, Reel. 14th, Read 15th Oct., 1718. Addressed. Postmark. ¼ p. Enclosed,*

689. i. Receipt for one red box for Lt. Governor Spotswood etc. Gravesend. 6th Sept., 1718. *Signed, Joshua Leland, Master. 1 slip. [C.O. 5, 1318. Nos. 51, 51 i.]*

Sept. $\frac{9}{20}$.
Fort
Kykoveryall,
River
Essequibo.

690. H. Winkler to the Directors of the Dutch West India Company. *Signed, Hn. Winkler. Endorsed, Read, 15th Dec. (N.S.), 1718. Addressed. Sealed. Dutch. 2 pp. [C.O. 116, 21. No. 159.]*

Sept. 10.
Antigua.

691. Governor Hamilton to Mr. Popple. Yours of the 31 January did not com to my hand till in June last at my returne from St. Christophers, where I had undergone a varry severe fitt of a lax, and the man of war was then immediatly obliged to proceed for Barbados to victuall, for there being no one imploy'd here by the undertakers to furnish them, which is so inconvenient, that a third of her time of attending on this station is taken up in going thither, taking in provisions, and comming back, which I ones represented, but had no answer to it, and as soone as shee returned it was our hurry-cane time, and the Capt. judged it for H.M. service to lay up the ship in the harbour, for the better securing of her, and there shee remaines still, for which reason, I was forced to send downe to the aforesaid Island of St. Kitts, and put up proclamations, for all people that had any settlements in the former French ground to send me copy's of their grant's etc. according to their Lordship's directions, a state of which I now send, but is not so perfect as I would have wish'd, but no paines of mine has been wanting, but some thro' stubbornness, others have their grants in Britaine, is the reall occasion that I could not compleat it, however, I hope this will by their Lordship's be taken so, as that I have discharged my duty to the utmost of my power. As for having drove of any poore people off of the Island, it's so far from that, that I have given them all the incouragment and protection in my power, even to the disobliging of some of the great Planters, and as for dispossessing any, I have not, for that Stoddard, that has lodged a petition against me, had never any grant, or right, nor had he made near a third the improvements he set's forth in his false petition, as

1718.

you will perceive by my answer, neither had that fellow any manner of claime to H.M. bounty, having shamefully deserted his command, and flew to the mountaines when the French landed upon St. Kitts in 170 $\frac{5}{6}$ when he comanded a militia company, and there remaind till the enemie was gon, by which means I lost a strong pass, and the reason I gave a grant for that plantation to Majr. Milliken, was, that he was well able to settle it, and thereby H.M. revenew improved *etc.*, but all this without the least profit to mysele, and with no other viue than the well settling of the Collony, for I assure you I have no regard to person's in the way of doing Justice, but if every litle complaint against Governours is taken notice of, it is the greatest discouragment immaginable ; for by this means, every litle fellow if he doth but imagine that he has the least hardship done him, he is immediatly for going home, and there they meet with some of my implacable enemies to support them *etc.* I thank God, I have a clear and safe conscience, that I have wronged no boddy, but if a Governour must be complained against for doing his duty, and by that means put to a great deale of charge, and trouble to himsele and friends, it is enough to discour[age] them from doing theire duty, as in the case of Mrs. Assaillié, where my conduct was aproved by H.M. and Councill, but still no reparation order'd to be made me. I am sorry to find theire Lordship's should receive any impressions to my prejudice, without first letting me know, and to hear what I could say in my owne justification, which I beg for the future if any such thing should againe happen, you will use your endeavours and interest to procure for me. One Mr. John Spooner Solicitor Generall of these Islands, and a verry worthy honest Gentleman will waite on you, I have recommended him to theire Lordship's for part of the unmanured land Mr. Douglas our late Generall stands possess'd of, but now without a grant, if you can any way befriend him, or do him any servis, I beg you will afford him your best assistance, he is a person very capable to informe theire Lordships about the state of these Islands, and in particular as to my conduct. I hope long before this you have seen my spouse, (by whom I sent you a second black bearded litle Lady, the prettyest of the sort that I ever did see) with whom I hope you have had a pretty deale of discourse, to whom I refer you as to any affaires of mine *etc.* *Compliments.* My most humble servis attends good Mrs. Popple, and all your pretty family, and I remaine for ever, my dear Popple, your most obliged, and verry much devoted humble servant. *Signed,* W. Hamilton. *Endorsed,* Recd. 14th Nov., Read 16th Dec., 1718. *Holograph.* 4 pp. [C.O. 152, 12. No. 117.]

Sept. 10.
Antigua.

692. Governor Hamilton to the Council of Trade and Plantations. As soon as I had the honour to receive yours of the 28 of January last which was in June, I applied myself to perform the several particulars which you thereby directed, and as the most effectual means to hinder the inhabitants of Anguilla and those Islands from dispersing and going to settle at Crabb Island I caused a Proclamation to be issued and published at St.

1718.

Christophers and each of those Islands, *enclosed*, which I hope will meet your approbation. *Refers to enclosed account of grants in St. Christophers and repeats part of preceding.* Adds :—I doubt the accounts which some have given of their negroes and improvements do exceed what they have on their lands *etc.* On the 16 ultimo there happen'd a storm which forced several ships and sloops ashore at St. Christopher's where they were lost and destroyed by the violence of the weather *etc.* I was in great hopes that the method for the disposal of those lands would have been adjusted ere now. I do assure your Lordships that they give me more trouble than all the other business of my Government and that even without one penny profit to me in any respect *etc. as preceding.* I know not what former Governours may have got by renewing of grants or making alterations, but I do affirm to your Lordships that I never got one groat for anything of that kind neither have I made any alterations save the two mentioned in the list and remarks now sent, my reasons for which you will find *there*, and tho' there are several persons in possession of good parcells of lands which I think do not deserve the same yet I do assure your Lordships I have admitted them to continue, and was resolved so to do even before I received your Lordships directions not to make any future alterations, to which you may therefore please to be assured that I shall the more strictly conform. At the time of my issuing the Proclamation I wrote to the President of St. Christophers as well as to the Presidents of the other Islands to use their utmost endeavours to hinder the inhabitants of those Islands from leaving the same, and withall I desired that if there were any lately removed from them, they would let me know the numbers, together with what they believed to have been the cause thereof, but as yet I have not had any answer thereto, so presume there are few or none gone, but those which I formerly gave your Lordships an account of, to prevent which your Lordships may remember the methods that I then took which were the only means that I conceived proper to be used, and upon the whole I am in hopes your Lordships will believe I have been so far from forcing or encouraging any to leave these Islands that I have taken all the prudent measures I could to prevent the same. *Refers to enclosed account of imports etc.* And as to your Lordships' commands of the 4 Oct. last requiring me to send you a distinct account of the several branches of the Revenue in this Government and the constant expences thereof, I must beg leave to acquaint your Lordships that I have often recommended the same to the Council and Assembly of each Island but cannot get an answer thereto, so it is not in my power to comply at present *etc.* I likewise observe your Lordships commands about sending constant informations of the number of acres granted by H.M. to the several Planters within my Government with the rents reserved thereupon for answer whereto your Lordships will please to observe that there has not been one forfeiture or escheat of lands to H.M. since my coming to the Government so that there has not been anything for me to give or grant away ; Indeed I have passed some few patents in

1718.

this Island as well as the other Islands but it has been for lands which had been given away by former Governours, the grantees of which have desired the same more for their own satisfaction than any great benefit they could expect for the same. So that in reality there has been nothing given away belonging to H.M. since my arrival. The rents generally reserved upon such grants are one ear of Indian corn to be paid upon certain days limited by their grants, if lawfully demanded. As to your Lordships' [enquiry], how the publick accounts are audited, *refers to former letters, and to his account of Spaniards attacking Crab Island etc. Continues* :—Since which I have an account that they have also at Tertuga alias Saltatudas taken a ship and a sloop belonging to the subjects of H.M., the which ship was commanded by one Joseph Bosworth, and the sloop by one Anthony Attwood *etc. Refers to enclosures. Continues* :—They have also taken several small sloops belonging to these Islands which only went to Crabb Island and St. Cruix to get turtle, of which I think it my duty to acquaint your Lordships that you may take such measures therein for the relief of the parties concerned, as in your wisdom you shall deem most convenient. I formerly gave your Lordships an account that the Dutch yearly imported great quantities of negroes to St. Eustatia and that several were brought from thence to St. Christophers and the rest of these Islands in English vessells, for payment whereof 'tis supposed that great quantities of sugars are carried by stealth from the English Islands to the said Island of St. Eustatia, to the great prejudice not only of H.M. Revenue but of the fair and honest English trader but as yet I have had no answer thereto, wherefore I humbly beg leave to put your Lordships in mind thereof and to pray that you will be pleased to signifie to me by the first whether you think negroes bought with Dutch goods upon the coast of Africa and brought from thence in Dutch vessells may lawfully be brought into any of H.M. Plantations in an English bottom, after having been first landed upon St. Eustatia. *Signed, W. Hamilton. Endorsed, Recd. 11th, Read 16th Dec., 1718. 3¼ pp. Enclosed,*

692. i. Proclamation by Governor Hamilton, 13th June, 1718. *Quotes from letter of Council of Trade 28th Jan., and forbids the inhabitants of Anguilla, St. Kitts and the other Leeward Islands to go and settle on Crab Island. Those who have gone, but now return, shall have all the protection and encouragement in his power, and free grants of waste lands etc. Instructions for obtaining these. Hopes to obtain for them parcels of lands in the late French part of St. Kitts when it is disposed of etc. Signed and endorsed as preceding. 1 p.*
692. ii. An account of the qualifications of 97 grantees of the French part of St. Kitts, together with Governor Hamilton's reasons for the grants given by him in that part of the Island. *Same endorsement. 13½ pp.*
692. iii. Governor Hamilton to the Lords of H.M. Privy Council. 12th Aug., 1718. Reply to petition of Christopher Stoddard. *v. supra. Same endorsement. Copy. 3¼ pp.*

1718.

692. iv. Proclamation by Governor Hamilton, Antigua, 13th June, 1718. All persons holding lands in the late French part of St. Kitts are to deliver copies of their grants to him at Antigua by 25th July, with an account of the improvements they have made on each parcell of land and how long they have been in possession, and by whom and when their grants were first given. *Same endorsement.* 1 p.
692. v. Return by the 97 grantees of lands in the late French part of St. Kitts in accordance with preceding Proclamation. *Signed*, W. Hamilton. *Same endorsement.* 2 $\frac{3}{4}$ large pp., folded.
692. vi. Deposition of Anthony Attwood, Master of the sloop *Mary and Elizabeth*. Antigua, 4th Sept., 1718. Deponent sailed from Antigua for Tertuga and on 3rd July saw the ship *Neptune* which was in company with him boarded by a periaga or row-galley, upon which deponent put his sloop under sail, but the periaga boarded him, overcame the crew and carried the sloop into Cumana. The periaga was commanded by Dago Pocheet, who showed a Commission from the Governor of Cumana. On 13th Aug. after several times petitioning the Governor deponent was ordered away in a boat with his sloop's crew and Capt. Bosworth and the *Neptune's* crew. Deponent had no salt or anything else of the growth or produce of Tertuga etc. *Signed*, Anthony Attwood. 1 $\frac{3}{4}$ pp.
692. vii. Deposition of John Harris, Antigua, 4th Sept., 1718. Deponent, a sailor on board the *Mary and Elizabeth*, corroborates preceding. *Signed*, John Harris. 1 p.
692. viii. Deposition of Joseph Bosworth, Master of the *Neptune*. Antigua, 3rd Sept., 1718. Narrates experience similar to that of Attwood, No. vi. 1 $\frac{1}{2}$ pp. Nos. vi.-viii. *endorsed as letter.* [C.O. 152, 12. Nos. 118, 118 i.-viii.; and (extract of covering letter and copies of Nos. vi.-viii.) 152, 39. Nos. 131, 131 i.; and (copy of covering letter) 152, 39. No. 130.]

Sept. 1 $\frac{1}{2}$.
Rio Essequibe.

693. Commandant Van der Heyden Rézen to the Directors of the Dutch West India Company. *Signed*, Pr. Van der Heyden Rézen. *Endorsed*, Read 15th Dec. (N.S.), 1718. *Dutch.* 15 pp. *Enclosed*,

693. i. Minutes of the Court in Essequibo. Aug. 2, 1718. *Dutch.* 8 pp.

693. ii. Orders by Commandant Van der Heyden Rézen concerning Herman Winkler etc. 26th July-18th Aug., 1718. *Dutch.* 5 pp. [C.O. 116, 21. Nos. 164, 164 i., ii.]

Sept. 12
St. James's.

694. Lords Proprietors of Carolina to Francis Yonge, Surveyor General. You were by your Instructions, deliver'd to you with our Commission to be our Surveyor Genl., directed, as all your predecessors have been, to make entries, and keep a true record

1718.

of all lands which you shou'd admeasure and set out to any person whatsoever and you were desir'd to transmit to us particular accounts of all the lands that have been taken up before your entring upon your office, as also what you admeasur'd and set out since the date of your Commission ; We take this opportunity of putting you in mind of this part of your duty and desire you to send us such accounts, as by your Instructions you are directed, by the first opportunity. *Signed*, Carteret, P., Ja. Bertie for D. of B[eaufort], M. Ashley, J. Colleton, J. Danson. [C.O. 5, 290. p. 123.]

Sept. 12.
St. James's.

695. *Same* to the Governor and Council of South Carolina. Whereas it was agreed at our Board formerly, that in consideration of the many and great abuses that were constantly committed by the exorbitant grants of land that were made in our Province of South Carolina, far exceeding and contrary to our Commissions and Instructions to our Govrs. and Officers no more land shou'd be sold from thenceforth, except what shou'd be sold by ourselves at our Board ; and whereas we have at the instance and request of several of the inhabitants of our Province, consented to suspend that our order and resolution and have since permitted our Agents to sell our land to purchasers as formerly, yet we perceive that the abuses abovemention'd are rather increas'd since our late indulgence ; conveyances and disposals of our land having been endeavour'd to be made without our knowledge or consent, and that all grants of land heretofore made in our province, are in such a disorderly and confus'd condition that no regular account can be given of the same, nor can any estimate or calculation of the rents or reservations made to us by reason of such grants be any ways made up or transmitted to us ; for preventing therefore such enormous practices and abuses for the future, we have resolv'd, and we do hereby strictly charge and command you our Govr. and Council, that you do not consent, permit or suffer any more of our land to be admeasur'd and set out to any person whatsoever without our consent and approbation be first obtain'd upon that accot. *Signed*, Carteret, P. ; Ja. Bertie for D. of B[eaufort], Fulwar Skipwith for L. C[raven], M. Ashley, J. Colleton, J. Danson. [C.O. 5, 290. pp. 124, 125.]

Sept. 12.
St. James's.

696. *Same* to Mr. Secretary Hart. You were by your Commission from us authoriz'd and directed to receive from the Surveyor General all certificates of land by him survey'd, pursuant to the warrts. to him directed, and you were therein authoriz'd to draw up all the conveyances of land, and when such conveyances were executed you were by your Commission directed to inroll them. In your Instructions you were to register all warrants to the Surveyor General for setting out land to such person who shall come into your Province to plant, and the Surveyor Genls. return *etc.* And in another Article of your Instructions you were directed to transmit to us yearly a true account of all our rents, and the arrears of the same, what lands, in what county, to whom and for what sold. Tho' you have not

1718.

been so regular in obeying our Instructions and Orders as you ought to have been, nor have you transmitted to us yearly as the duty of your office required you, an account of our Chief ; yet we doubt not but that all the conveyances that have been made of land have been constantly enroll'd in your office, and the warrts. and the returns thereof have been duly register'd, by which means you may with ease send us an exact and just accot. of what lands have been convey'd and granted away to any person whatsoever, with the conditions and reservations therein contain'd, and the counties wherein such land lies since you have executed the office of our Secretary. We hereby therefore strictly require you forthwith to send us such an accot., together with a transcript of what lands etc. have been heretofore register'd and enter'd at your Office at any time before you executed that employment. *Signed as preceding.* [C.O. 5, 290. pp. 125, 126.]

Sept. 12. **697.** R. Shelton (Secretary to the Lords Proprietors of St. James's. Carolina) to Coll. Rhet. I having inform'd the Lords of a clause in your letter to me, after your safe arrival in Carolina, wherein you signify your desire to the Lords Proprietors, and in order thereunto you had at last, tho with some difficulty and charge procur'd a copy of the assessors lists, (and counties they reside in) of lands, with the persons names and quantity of lands they hold, by which means you thought you shou'd be the better inabled to charge the Lords tenants with their several and respective rents, and to send them, tho' perhaps not an exact, yet a better roll than you have been hitherto able to procure ; The Lords therefore upon this account have commanded me to return you their thanks, and to desire you to make up a rent roll according to the assessors' lists of lands in your hands, as soon as you can, and to transmit the same to them by the first opportunity. *Signed, R. Shelton.* [C.O. 5, 290. p. 127.]

Sept. 15. **698.** Sir Charles Cox to Mr. Popple. I hear a report that Southwark. the Governr. of Barbadoes has suspended my brother Samuel Cox from the Councill etc. *Prays* to be heard before that suspension be confirmd. *Signed, Charles Cox. Endorsed, Reed. 16th, Read 23rd Sept., 1718. Addressed. 1/3rd p. [C.O. 28, 15. No. 36.]*

Sept. 27. **699.** Lt. Governor Spotswood to the Council of Trade and Virginia. Plantations. *Abstract. Acknowledges* receipt of Mr. Beresford's Memorial relating to the danger of the French settlements etc. *Explains* the difficulties he will meet with in getting a law passed to redress the frauds complained of in the pitch and tar trade (v. 5th March). *Continues* :—The persons chiefly concerned in that manufacture, are of the meanest of the people, who have no other view than the passing it off to the merchant here, and if they can conceal their false packing from his knowledge, have as little concern for the reputation of their commoditys in the British markt, as they have for their own here ; yet these people having a great influence in the election of Burgesses, it is difficult to

1718.

perswade those who receive a benefite by their votes, to pass an Act so prejudicial to their interest, as that of obliging them to a greater honesty would be *etc.* Besides it is evident that the Virginia merchants, tho they are as apt as any to clamour against frauds in this country's manufactures, are the most difficult to be pleased in any regulations made therin here. *Proposes that* the merchants prepare a scheme of such regulations as they will be content to submit to, for preventing abuses in that trade. "And I shal be ready to use my utmost endeavours to bring the Assembly into the passing a law conformable thereto; for otherwise I'm perswaded that no measure projected here will content them" *etc.* *Refers to* their obtaining the repeal of the Acts for preventing frauds in tobacco payments, and for regulating the skin trade, tho never were any laws attended with more remarkable success *etc.*, and to the daily inconveniencys that arise by recurring to the loose way of managing the Indian trade wch. the repealed Act for regulating it was calculated to prevent, and by destroying that security to the frontiers wch. it had so well provided for *etc.* It was in Aug. 1714 that I began to build the Fort of Christanna *etc.*, and from that time there was not so much as one alarm to occasion the ordering out the Militia, as had been usual for many years before: but now the Northern Indians and Tuscoruros begin again their customary incursions, and about the beginning of last month murdered a man at one of the out Plantations. A more dangerous design has been formed by them in our neighbouring province of North Carolina to cutt off the new seat of Governmt. there, and the neighbouring settlements and they had so far proceeded therin as to attack a plantation within less than half a mile of the Governors residence; but the design having been timely discovered, the people were upon their guard, and the Indians were beat off. Nevertheless this has so much alarmed the inhabitants that many plantations are deserted, and the Governor is even withdrawing his family to a place of more safety. The Saponie Indians settled at Christanna, have been also threatened by these Northern Indians, who even went so far as to send a message to the officer commanding that fort demanding those Indians to be delivered up to them: but tho our Assembly thought fitt to abandon those Indians by refusing to keep any longer a guard at that fort, (contrary to the publick faith of the Governmt. wch. is engaged by a Treaty for their protection in that manner) and tho they seemd bent upon discouraging the late Indian Company from contributing any more to the security of that place, by that extraordinary vote of theirs on the 24th of May, when the Burgesses resolved that the Governmt. be not enabled to performe its engagements to the late Indian Company for rebuilding Fort Christanna; I could not think myself excusable in treating so inhumanely a people that had voluntarily submitted to this Government, desired to be ruled according to such methods as we should prescribe, and agreed to have all their children brought up Christians at the school wch. I have settled there; and therefore I removed them into the Fort, which the late Indian Company had after their dissolution at the desire of the

1718.

Government rebuilt, and made of sufficient strength to baffle any Indian enemy ; and the Northern Indians being sensible that it was impracticable to attack them there, have since offered them peace, and a kind of treaty is concluded between them, whereby they are to forbear all hostilities against one another. It were to be wished that the Assembly of Virginia, laying aside their more refined politicks had consulted as much the safety of the people they represent by renewing the peace with those Northern Indians, before they are tempted to fresh hostilities : but whatever may befall either this Government or its neighbours from those Indians will be imputed to this obstinacy of the Virginia Assembly in refusing to enter into any measures with them, and I must plainly charge it on that factious party in the Council here, who rather chuse to ruine their country than to second anything I project for the King's service, or the publick benefite, it being urged by one of their party in the House of Burgesses as his reason for not complying with my measures for defence of the country, that the approbation of those measures by that House would do me too much service at Whitehall : but I'm as little apprehensive of their being able to distress my administration on this or any other occasion, as I am of their succeeding at yor. Lordps. Board *etc.* *Prays that* Mr. Byrd, who has been absent $3\frac{1}{2}$ years, may be removed from the Council, and Mr. Cole Digges put in his place, *etc.* *Set out,* Spotswood Papers, II. 304. *Signed,* A. Spotswood. *Endorsed,* Recd. 24th Nov., 1718, Read 24th Feb., 1718. 5 pp. [C.O. 5, 1318. No. 56 ; and 5, 1365. pp. 173-183.]

Sept. 29.
Boston,
New England.

700. Governor Shute to the Council of Trade and Plantations. *Refers to letter of 26th June and replies to their Lordships' last letter.* *Continues :—*As to the Revenues and the constant and regular expence of the Government they are uncertain. The Governor nor Lieut. Govr. have no fixed sallary assigned them but whatever falls short in any years tax is made good at the next meeting of the Assembly the particulars of the whole your Lordps. will find in the Treasurer's accompt herewith inclosed. The Provinces under my care are upon a different footing from the other Provinces in America as to quit-rents ; when any number of acres are granted there is no rent reserved for H.M. ; but in case any gold or silver mines or precious stones should be found in any of the said lands the fifth part is reserved to the Crown. I have taken notice to the last Assembly of the great complaints that have been made against the pitch and tar ; and there are such directions given to the officers that (I hope for the future) there won't be any more complaints of that kind. The accompts of the exports and imports for 3 years which I sent by the Collector of Rhoad Island, I hope is long since arrived at the Honble. Board ; and have now sent inclosed the account of the last years exports and imports as also an account of the powder, expended in both Provinces. I have also sent a Memorial with two affidavits against Dr. Cooke which I suppose Mr. Bridger hath sent already, which I shew'd to the Council who were very much

1718.

surprized at it and were of a quite different opinion from that Gentleman, which was all that was done upon it ; whereupon I thought it very much for the King my Master's service to remove Dr. Cooke from the Council Board. The Memorial your Lordps. enclosed to me concerning the progress the French have made in America, I have carefully perused and find it will not in the least affect either the Province of the Massachusetts or New Hampshire because of the vast distance and large tracts of thick woods that sepearate the French from us ; and have sent a map printed here since my arrival wherein all their Forts are mark'd which I'm informed are not kept in good repair. But if a war should break out betwixt the Crown of Great Britain and France these Provinces might be forcibly attacked from Cape Breton. There being three vacancies by the death and non acceptance of some Councillers of New Hampshire I would recommend to your Lordps. Archibald Mackphedres Nicholas Gillmon and Peter Wear Esqrs. (who are persons well affected to H.M. Government and in considerable circumstances) to compleat the number of that Board *etc.* I have been at Rhoad Island and ordred that part of my Commission wherein H.M. is pleased to give me the command of the Militia there in time of war and imminent danger to be read upon which the Council desired time to consider of it and at last have told me they the General Assembly can't consent to it because it is contrary to the Charter granted to them by King Charles II. The Indians by the instigation of their Jesuits have of late been very insolent but I am still in hopes I shall be able to prevent a war breaking out wch. wou'd prove very destructive to ye Eastern settlemt. *Signed*, Samll. Shute. *Endorsed*, Recd. 28th Nov., Read 4th Dec., 1718. 3 pp. *Enclosed*,

- 700. i. Mr. Bridger to Governor Shute. Duplicate of No. 616, iii.
- 700. ii., iii. Duplicates of No. 616, vi.
- 700. iv. Account of H.M. Revenue in the Massachusetts Bay May 1717-1718, signed and sworn to by Jeremiah Allen, Treasurer. Boston, July 23, 1718. *Total*, £47,670 15s. *Endorsed as covering letter.* 27 pp.
- 700. v. Account of the Revenue of New Hampshire, 1715, 1716. Sworn to by Saml. Penhallow, 12th May, 1718. *Total*, £1938 18s. 7d. *Same endorsement.* 3 pp.
- 700. vi. Account of the Revenue of New Hampshire 1716, 1717. *As preceding.* *Total*, £1300 1s. 6d. *Same endorsement.* 2 pp.
- 700. vii. Account of foreign commodities imported at Boston, Midsummer 1717-1718. *cf.* No. 620, i. *Signed*, John Jekyll. *Same endorsement.* 1 p.
- 700. viii. Account of powder expended at Fort William and Mary, Oct., 1717-July, 1718. *Signed*, J. Wentworthy, Capt. *Same endorsement.* 1 p.
- 700. ix. Account of Stores of war expended at Castle William, Midsummer 1717-1718. *Signed*, Za. Tuthill, Lt. *Same endorsement.* 1 p.

1718.

700. x. Account of stores of war at Castle William, June 24, 1718. *Signed and endorsed as preceding.* 1 p. [C.O. 5, 867. Nos. 18, 18 i.-x.; and (without enclosures) 5, 915. pp. 232-237.]

Sept. 29. **701.** Office expenses of the Board of Trade, June 24—Sept. 29, 1718. [C.O. 388, 77. Nos. 48, 51, 54.]

[— Sept.] **702.** Petition of A. Hollander and others to the Directors of the Dutch West India Company. *Signed, A. Hollander and other settlers. Endorsed, Recd. 6th July (N.S.), 1719. Dutch.* 6 pp. [C.O. 216, 21. No. 162.]

Oct. 2. **703.** Council of Trade and Plantations to Mr. Secretary Craggs. *Refer to* letter of 3rd July last. We desire to know H.M. pleasure, whether the Commissions for trying pirates may not now be sent by the first opportunity, sevl. of H.M. Governors having informd us they have for some time had in custody pirates who were taken and are consequently not intituld to H.M. gracious pardon. [C.O. 324, 10. pp. 207, 208.]

[Oct. 3.] **704.** Francis Carlile of Antego, Gent., to the Council of Trade and Plantations. Possessed of a considerable estate in Antigua and proposing to return thither, he prays to be appointed to the Council in the room of Col. Wm. Thomas decd. 1 p. [C.O. 152, 12. No. 111.]

Oct. 4. **705.** Mr. Barrington to Mr. Popple. Asks that John Yeamans may be appointed to vacancy in Council of Antigua, in accordance with the "promise" of the Board. (v. 26th June). *Signed, J. Barrington. Endorsed, Recd., (from Edward Byam), Read 9th Oct., 1718.* 2½ pp. [C.O. 152, 12. No. 112.]

Oct. 7. **706.** Mr. Popple to Richard West. Encloses letter and papers from Mr. Bridger, 26th Aug., with his Commission and Instructions and the Charter of the Massachusetts Bay, and H.M. Instruction to Governor Shute. *Continues* :—I am to desire you will please carefully to peruse the said papers and particularly to consider whether Mr. Bridger's Instructions are sufficiently vouched by the Acts therein mentioned, and whether it were to be wished that anything were added to the said Act or Acts to make the same more effectual; whereupon their Lordps., when you shall be prepared, would be glad to discourse with you. I desire you will please to return the inclosed book and papers. [C.O. 5, 915. p. 219.]

Oct. 7. **707.** Merchants trading to New York to the Council of Trade and Plantations. *Pray that* the Act of New York for *payment of debts* may be taken into consideration, the said act subsisting until H.M. pleasure is known etc. *Signed, Charles Lodwick and 7 others. Endorsed, Recd., Read 8th Oct., 1718.* 1 p. [C.O. 5, 1051. No. 77.]

1718.
Oct. 7. **708.** Mr. Popple to Mr. West. *Encloses* Act of New York, 1715, *for a general naturalization*, with Sir E. Northey's report, and desires a draught of alterations proper to be recommended to Governor Hunter to be passed into a new law *etc.* [*C.O.* 5, 1124. *p.* 56.]
- Oct. 7. **709.** Council of Trade and Plantations to the King. Recommend repeal of Act of New York, 1714, *for shortening law suits*, quoting Sir E. Northey and Governor Hunter. [*C.O.* 5, 1124. *pp.* 57, 58 ; *and (corrected draft)* 5, 1079. *No.* 106.]
- Oct. 9. **710.** Mr. Popple to Mr. Barrington. *Reply to* 4th Oct. *Quotes* letter of 26th June. *Concludes* :—Their Lordships will consider this matter at the first convenient opportunity. [*C.O.* 153, 13. *pp.* 374, 375.]
- Oct. 9. **711.** Mr. Lowndes to Mr. Popple. My Lords Commrs. of Treasury Chambers. H.M. Treasury desire that the Lords Commrs. for Trade and Plantations will consider the *enclosed* and give their Lordps. the best informacon they can concerning the said woods and H.M. right thereunto with their opinion what is fit to be done therein. *Signed*, W. Lowndes. *Endorsed*, Recd., Read 15th Oct., 1718. *Addressed.* 1 *p.* *Enclosed*,
711. i. Mr. Bridger to the Lords of the Admiralty. *Duplicate* of 26th Aug. [*C.O.* 5, 867. *Nos.* 15, 15 i. ; *and (without enclosure)* 5, 915. *p.* 220.]
- Oct. 9. **712.** Mr. Burchett to Mr. Popple. Has written to Capts. Admty. Office. Passenger and Wade to attend the Board of Trade upon Newfoundland matters *etc.* *Signed*, J. Burchett. *Endorsed*, Recd. 9th, Read 10th Oct., 1718. *Addressed.* $\frac{1}{2}$ *p.* [*C.O.* 194, 6. *No.* 51.]
- Oct. 10. **713.** Governor Sir N. Lawes to the Council of Trade and Jamaica. *Acknowledges* letter of July 25th with Commission for pardoning pirates *etc.* *Continues* :—I have publish'd a Proclamation signifying H.M. Royall pleasure in this particular, and sent coppys thereof to our neighbouring Colonies. H.M. goodness in extending his mercy even beyond what was promis'd, I hope will be an inducement for all those who has been anyways concern'd in piracy to return to their due obedience and allegiance to H.M. Your Lordships will please to remember when I had the honor of attending your Board, I had the assurances given me that a Commission should be speedily prepared and dispatcht empowering me to appoint fit persons to try the accessarys of pyrates which I find very much wanted here. I therefore take the liberty of reminding your Lordships of it *etc.* Nothing material has hapned in our Assembly affaires *etc.* *Signed*, Nicholas Lawes. *Endorsed*, Recd. 17th, Read 18th Dec., 1718. $2\frac{3}{4}$ *pp.* [*C.O.* 137, 13. *No.* 20 ; *and* 138, 16. *pp.* 155, 156.]

1718.

Oct. 10.
Essex
Buildings.

714. Sir John Bennett to Mr. Popple. Encloses following *etc.* *Signed*, Jo. Bennett. *Endorsed*, Reed. 10th Oct., 1718. 1 p. *Enclosed*,

714. i. Receipt for packet containing Lt. Gov. Bennett's Commission for pardoning pirates. *Signed*, Sam. Daffye, Capt. of the sloop *Mary etc.* *Slip.* [C.O. 37, 10. Nos. 11, 11 i.]

Oct. 10.
Whitehall.

715. Mr. Popple to John Basket. Enquires what progress he has made in printing the New York Acts, and desires to see the printed book he has. [C.O. 5, 1124. p. 59.]

Oct. 11.
General Post
Office.

716. Mr. Lloyd to Mr. Popple. Encloses following. *Signed*, John Lloyd. *Endorsed*, Reed. 14th Oct., 1718. 1 p. *Enclosed*,

716. i. Receipt for Commission for pardoning pirates at Barbadoes. Deale. Oct. 7, 1718. *Signed*, Mary Watte, on behalf of Capt. Cobb. 1 p. [C.O. 28, 15. Nos. 37, 37 i.]

Oct. 13.
Beckett House.

717. Mr. Barrington to Mr. Popple. Regrets his mistake. v. 9th Oct. His nephew has gone to Antigua in the opinion that the minute was absolutely in his favour *etc.* *Signed*, J. Barrington. *Endorsed*, Reed., Read 16th Oct., 1718. *Sealed.* 1 $\frac{3}{4}$ pp. [C.O. 152, 12. No. 113.]

Oct. 13.
New York.

718. Governor Hunter to Mr. Popple. *Abstract.* The General Assembly has passed an act remedying clauses in former revenue acts to which the Board objected. At the same time they presented enclosed representation to be communicated when he shall appear before their Lordships. Believes he will be able to convince them, that the people here are not so much in the wrong as has been suggested. Has no correspondent left, so that he must come home to recover the old or establish the new. Lays hold of Mr. Popple's friendship as his main comfort. *Set out*, N.Y. Col. Docs. V., p. 518. *Signed*, Ro. Hunter. *Endorsed*, Reed. 15th Dec., 1718. Read 23rd April, 1719. *Holograph.* 3 pp. *Enclosed*,

718. i. Representation of Assembly of New York to Governor Hunter, on the Act *amending clauses in the Revenue Act. v. preceding.* *Signed*, Rt. Livingston, Speaker, Lewis Morris and 21 others. *Same endorsement.* 12 $\frac{3}{4}$ pp. [C.O. 5, 1051. Nos. 87, 87 i.; and (without enclosure), 5, 1124. p. 87.]

Oct. 14.
Hampton
Court.

719. H.M. Warrant granting licence of absence for twelve months longer to William Matthew, Lt. Genl. of the Leeward Islands, and Lt. Governor of St. Christophers. *Countersigned*, J. Craggs. [C.O. 324, 33. pp. 188, 189.]

Oct. 14.
Whitehall.

720. Council of Trade and Plantations to Lt. Governor Bennett. *Acknowledge* letters of 3rd and 16th Feb., 29th March and 31st May. *Continue* :—We did without loss of time lay

1718.

before H.M. your account of the surrender of the pirates, being glad to find so good an effect from your diligence in sending H.M. Proclamation to the Isle of Providence. We cou'd have wished the like success had continu'd but we perceive by your last the state of that case is very much alter'd. You will have recd. before this comes to your hands H.M. Commission under the Great Seal for pardoning such pirates as have surrender'd within the terms prescrib'd by the Proclamation, and thereby entituled themselves to mercy, but as for the doubts rais'd by the pirates concerning their effects and the particular hardships of Cpt. Fife's case we can at present give you no opinion. But these matters together with the other informations you have given us relating to the pirates have been transmitted to Mr. Secry. Craggs to be laid before H.M., and when we receive his orders thereupon we shall communicate them to you by the first opportunity. We have recd. the Acts and public papers wch. you transmitted 30th July, 1717, and desire you will be punctual in sending to us all such papers as you are requir'd to transmit to us by your Instructions by the first opportunity, and particularly such as you will find by the list enclos'd to be wanting. We have made some observations upon the several Acts pass'd in Bermuda since H.M. accession to the Throne, which you will likewise receive herewith for your better government in the form and method of passing Acts for the future. *Annexed,*

720. i. Public papers wanting from Bermuda. (i.) Minutes of Council and Assembly, 2nd March 170⁷₈—to 1718. (ii.) Naval Officers lists wanting for several years backward.

720. ii. Observations upon Acts passed in Bermuda in 1715 and 1717. (i.) An additional clause to an Act *for the better observation of the Lords Day commonly called Sunday*. The title is a very odd one and by the preamble the very title is made a part of the Act. However the intention of the Act being good it lyes by probational. (ii.) An Act *for alteration and amendment of several Acts of Assembly*. The dates or time of passing as well as the exact titles of every Act alter'd or to which any addition is made shou'd be recited, which is not done in this Act, But shou'd be observ'd for the future ; This Act lyes by probational. (iii.) An Act *for prolonging the Act to supply the deficiency of the several funds in these Islands for and towards the building a new house for the present and future Governors*, pass'd in 1715. The title of this Act like that of the first is made a part of the Act. The continuing clause mighty oddly worded. The time of passing and of the expiration of the Act to supply the deficiency *etc.* shou'd have been particularly mention'd. This Act to lye by probational. (iv.) An Act *for limiting the time the names of such persons as are bound of these Islands shall be published*. To lye by. (v.) An additional clause to an Act *to supply the deficiency of the several funds in these Islands for and towards the*

1718.

building a new house for the present and succeeding Governors, pass'd in 1717. The title lyable to the same objections as the Act No. 1, and the last clause which declares this to be part member and parcel of the Act to which it refers is something unusual. This Act to lye by. The Prayer for the enacting part of the Acts abovemention'd being to the King from the Assembly only is a mistake by following the stile us'd in, and peculiar to Acts of Parliament for granting mony, the stile in other Acts being different. [C.O. 38, 7. pp. 358-362.]

Oct. 14. **721.** Mr. Baskett to Mr. Popple. I have herewith sent you the printed book of Plantation Laws, and intend to put 2 or 3 compositors about it, that it may be speedily compleated *etc.* Signed, John Baskett. *Endorsed*, Recd. 14th, Read 22nd Oct., 1718. $\frac{1}{2}$ p. [C.O. 5, 1051. No. 79.]

Oct. 14. **722.** Governor Hamilton to the Council of Trade and Antigua. Plantations. *Encloses* two Acts bearing date the second day of this instant month of October, the one for laying an additional duty on liquors, and the other for laying a duty of powder on all trading vessels. As they are laws that will affect the trade and shipping of Great Britain when they come to this Island, I have taken care to get a clause inserted in each of them to prevent their taking place until they are approved and confirmed by H.M. in obedience to the Additional Instruction which I received lately bearing date 27th Sept., 1717. But nevertheless I must beg leave to acquaint your Lordships, that laws of this nature have been frequently passed in this and the other Islands belonging to H.M. in these parts, and indeed are very necessary in order to supply our forts and fortifications with powder as well as to raise mony to help defray the incident charges of the Government, for which reason if your Lordships shall be of opinion that they are fit to be confirmed, I beg that they may be laid before H.M. with all possible expedition, to the end they may be returned with the utmost speed, for until then the publick will loose the benefit that use to result from Acts of this nature, in regard no collection can be made of the dutys intended on shipping or liquors until it shall be known that the said Acts have received the Royal assent. In the Act for laying a duty on liquors your Lordships will find a clause declaring that no money raised by virtue of that Act shall be paid by the Treasurer or his Deputy for the time being by virtue of any order or authority whatsoever unless by order in writing signed by the Commander in Chief Governour or President of the Council with one Member of the Council and the Speaker of the Assembly, which I know is contrary to my Instructions but as the Act is not to take place untill it has received H.M. assent, I am in hopes your Lordships will be of opinion that my consenting to the said Act with that clause in it can be no breach of my said Instruction in regard it cannot have any effect untill it has obtained the Royal assent which if H.M.

1718.

shall be pleased to give will be a sufficient dispensation of my said Instructions. All orders for payment of publick mony have been issued in that manner ever since the settlement of the Island as I am informed, which I have signified to the Assembly is contrary to my Instructions from H.M., and that I had reason to fear it might be a means to obstruct the passing the Act at home ; but nevertheless I could not prevail with them to pass the said Act without the said clause, which, with what I have already offered, will I hope be sufficient to excuse me to your Lordships for assenting to it, and the rather for that if the said Act be rejected upon that account it will convince those Gentlemen that H.M. will not admit of his Instructions to be dispensed with on any terms, the observing whereof has occasioned more than a little dispute between that House and myself, as your Lordships may perceive by the Minutes here inclosed. There is also a clause in the Powder Act, which is reinforced by the present Law, that enjoins the powder Officer to be nominated by the Governour, Council and Assembly, as your Lordships may observe by a copy thereof herewith sent which I take to be an incroachment on H.M. Prerogative and have accordingly signified the same to the Assembly. However as it has been always usual for that officer to be appointed in that manner, they prayed I would consent thereto in hopes that H.M. will be pleased to admit them to enjoy their former custom in that matter, to which, upon their earnest request, I thought fit to condescend, well knowing that no inconveniency could thereby arise to H.M. if he did not see fit to pass the said law in regard there is a clause in the said new Act to prevent its taking place untill it is confirmed by H.M. which I hope will be sufficient to justify what is done therein by May it please your Lordships your Lordships most obedient and most dutifull humble servant, *Signed, W. Hamilton. Endorsed, Recd. 11th, Read 16th Dec., 1718. 2½ pp. Enclosed,*

722. i. Minutes of Council and Assembly of Antigua. St. Johns, 18th Sept., 1718. The Assembly addressed H.E., protesting against his literal exposition of his Instructions to the prejudice of the Colony in prohibiting laws so fundamental to their Constitution *etc.* Sept. 23rd. Parham. Governor Hamilton's reply to the Assembly and their answer. *Same endorsement. Copy. 7½ pp. [C.O. 152, 12. Nos. 119, 119 i.]*

Oct. 15.
Whitehall.

723. Council of Trade and Plantations to Mr. Secretary Craggs. Having some time since received accounts of the great settlements the French are making on the back of ye British Plantations in America from ye River of St. Lawrence southward to ye mouth of Mississippi in the Bay of Mexico, and considering how detrimental the same may prove to the trade of these Kingdoms ; we wrote circular letters to H.M. Governors upon that Continent to send us the fullest informations they could get of the state of the said new settlements, together with their opinion concerning the proper measures to be taken by H.M. upon this occasion, and in answer have received letters from Brigr. Hunter

1718.

(v. July 7th) and Col. Spotswood. *Enclose* extracts to be laid before H.M. for his directions therein. [C.O. 5, 1124. p. 60.]

Oct. 15. **724.** Mr. Philips to Mr. Popple. Encloses following. *Signed*, A. Philips. *Endorsed*, Read. 16th Oct., 1718, Read 16th Aug., 1720. 1 p. *Enclosed*,

724. i. Governor Hunter to Mr. Philips. N. York. Aug. 15, 1718. A summ of money has been sent from hence to procure the disallowance of our money Acts *etc.* I know not the objections ; but I foresee an inevitable necessity of my coming home for that very purpose ; for it is impossible to answer as one should at this distance, or to instruct another. I do affirm, that this is, at present, the most flourishing Province in trade and credit. Our money bills are now, at least, thirty pr. cent. better than those of New England, on their own Exchange, and equal to silver all round about us. The trade of this place is increased most conspicuously, as the Quarterly accounts sent to the Lords of Trade will shew. If any of this place have been so wicked, as to employ any person in the foul work before mentioned, their resolution must be to leave it, having ruined it *etc.* Should this Province be undone, I will make good in the face of the world, that there are more hearty, zealous and sincerely dutifull subjects of H.M. undone, than could be by any generall ruine to the same proportion of people in any other part ; and that by the means of some, who have no manner of pretence to that character. I earnestly desire, that nothing may be resolved, till I am brought face to face to answer these or any other men, as to what I have done in my station. *Extract. Signed*, A. Philips. 2 $\frac{3}{4}$ pp.

724. ii. Minute of Council of New York. 2nd July, 1718. Ordering *following* Representation to be signed *etc.* 1 p.

724. iii. Representation of the Council and Assembly of New York to the Lords Committee for hearing appeals from the Plantations. *Reply* to Mr. Mulford's complaints and defence of Governor Hunter. *Duplicate* of No. 603 iii. [C.O. 5, 1052. ff. 38-44.]

Oct. 15. **725.** A. Hollander and others to the Directors of the Dutch West India Company. *Signed*, A Hollander and other settlers. *Endorsed*, Read 27th April (N.S.), 1719. *Dutch*. 6 pp. *Enclosed*,
725. i. Duplicate of preceding.

725. ii. Correspondence of same with Commandant Van der Heyden Rézen *etc.* *Copies. Dutch*. 4 $\frac{1}{2}$ pp. [C.O. 116, 21. Nos. 163, 163 i.-ii.]

Oct. 16. **726.** Mr. Popple to Mr. Lowndes. *Reply* to 9th Oct. The Council of Trade and Plantations have already communicated the papers on that subject to Mr. West, H.M. Council learned in the Law appointed to attend the service of the Commission for
Whitehall.

1718.

Trade. As soon as they shall receive his opinion, their Lordps. will lay a state of that matter before the Lords of the Treasury. [C.O. 5, 915. p. 222.]

Oct. 17. **727.** Lt. Governor Keith to the Council of Trade and Pensilvania. Plantations. *Encloses* Act of Assembly for H.M. approbation. *Continues*:—It generally contains such an amendment of our criminal law, as will bring the constitution of this Colonie much nearer to that of Great Britain than formerly it was *etc.* *Signed*, W. Keith. *Endorsed*, Recd. 4th, Read 5th Feb., 17 $\frac{1}{2}$. *Addressed*. 1 p. [C.O. 5, 1265. No. 114; and 5, 1293. p. 162.]

Oct. 18. **728.** John Baskett to Mr. Popple. *Requests* him to send another book of the Plantation Laws, to be printed *etc.* *Signed*, John Baskett. *Endorsed*, Recd. 18th, Read 22nd Oct., 1718. *Addressed*. $\frac{1}{2}$ p. *Mem.* The first vol. of Bermuda Laws was sent. [C.O. 37, 10. No. 12.]

Oct. 18. **729.** (a) Depositions of John Barnard, James Welch, John Antigua. Lavicountt, planters of Antigua, and of Ambrose Marchant, carpenter, relating to the new Church at St. Phillips. 4 pp.

(b) Deposition of the Church Wardens and major part of the Vestry of St. Phillips, Antigua. Three quarters of the parishioners were and are against building the new Church, which is near the boundary. The old Church is in Bridge Town, very commodious and convenient. There is a commodious chapel of ease in the division of Belfast. Each capable of containing the whole of the parishioners *etc.* *Signed*, Thomas Elmes, Jos. Ledeat, Churchwardens; W. Steele, Benja. Wickham, Henry Symes, Jno. Lavicountt, senr., John Witts, Jno. Barnard, Timo. Singin. 1 p. *The whole endorsed*, Recd., Read 2nd Feb., 17 $\frac{1}{2}$. [C.O. 152, 13. ff. 8-13.]

Oct. 21. **730.** Governor and Council of South Carolina to the Council Charles Town, of Trade and Plantations. Lately two pirate vessels, commanded South Carolina. by one Vane, lay of the barr of this harbour, as they have often done, and took a ship from Guiney with negros, and two sloops bound in, and the next day attack't four ships outward bound, but what success, he had with them wee cou'd not be inform'd, however their insults, and receiveing advice that wee might expect the same usage from another, who was careening, and refilling in Cape Fear River, obliged the Governr. (thô very unable both for want of men and money) to fitt out a force to go and attack them, and accordingly two sloops, one commanded by Capt. Masters and the other by Capt. Hall, with about, 130 men were gott ready wth. all the dispatch wee cou'd. and Collo. William Rhett commanded the whole, who sail'd southerly first, in search of Vane, but not being able to meet with, or gain intelligence of him, he steered for Cape Feare River, in which he found a sloop of 8 gunns and 50 men, commanded by a Majr. Stede Bonett, and two prizes, sloops belonging to New England. On seeing our vessells enter the River, they endeavoured to gett

1718.

out, and in the chase, all the three sloops run aground on some shoals, But that commanded by Capt. Masters, in which Collo. Rhett was, lay within musqt. shott of the pirate, and the water falling away (it being ebb) she keel'd towards him, which exposed our men very much to their fire, for near six hours, dureing wch. time they were engaged very warmly, untill the water riseing sett our sloops afloat, about an hour before the pirate, when Collo. Rhett making the signall, and they prepar'd to board him, which the pirate seeing, sent a white flag, and after some short time, surrender'd, on Collo. Rhett's promising he wou'd interceed for mercy. Wee had killed on board Collo. Rhett eight men and fourteen wounded, of which four are since dead, and on board Capt. Hall, two killed and six wounded. The said pirates are now prisoners here, and wee are preparing for their tryall. This undertaking, besides that it has been a considerable expence to us, will (wee apprehend) very much irretate the pirates who infest this coast in great numbers. Wee become therefore humble sutors to your Lordships, that you will be pleased to lay before H.M. the great danger our trade and Collony are in from them, they having at some times blocked up our harbour for eight or ten days together, and taken all that have come in or gone out, and plundered them, where they have not thought the vessells fitt for their purpose. In procureing a vessell it will be of the greatest service to the trade not only of this Collony, but of all these parts *etc.* Signed, Robt. Johnson, A. Skene, Nicholas Trott, Tho. Broughton, Char. Hart, Fra. Yonge. *Endorsed*, Recd. 29th May, Read 11th June, 1719. 3 pp. [C.O. 5, 1265. No. 121; and 5, 1293. pp. 173-175.]

Oct. 22.
Whitehall.

731. Mr. Popple to Nicholas Lechmere, H.M. Attorney General. *Encloses* extracts from Lt. Governor Spotswood's letter *etc.*, 14th Aug. The Council of Trade and Plantations desire your opinion whether H.M. or the several vestries of the parishes in Virginia have the right of patronage presentation and collating to ecclesiastical benefices, or what right either have. Also whether an Assembly under adjournment or prorogation may be prorogu'd by proclamation without a meeting according to such previous adjournmt. or prorogation. N.B. A like letter was writ to Mr. Solicitor General and Mr. West. [C.O. 5, 1365. pp. 170, 171.]

Oct. 23.
Pensylvania.

732. Lt. Governor Keith to Mr. Popple. I have just received letters of 15th and 19th March. I shall forthwith apply myself to obey their Ldships. commands *etc.* Signed, W. Keith. *Endorsed*, Recd. 22nd Dec., 1718, Read 10th Feb., 171. *Addressed*. $\frac{3}{4}$ p. [C.O. 5, 1265. No. 115.]

Oct. 23.
London.

733. Mr. Gordon to the Council of Trade and Plantations. *Encloses* a sermon, with preface, in answer to Governor Lowther's reflections upon his character and conduct *etc.* Signed, W. Gordon. *Endorsed*, Recd. 24th, Read 28th Oct., 1718. 2 pp. [C.O. 28, 15. No. 38; and 29, 13. pp. 479, 480.]

1718.

Oct. 23.
Whitehall.

734. Mr. Popple to John Basket. *Returns* book of New York laws (v. 10th Oct.), and sends book of Bermuda Acts to be printed as the other. These Bermuda Acts have ye notes in the margin that are to be upon them. In folio 4, there is nothing but the title of an Act, which title must be printed, and a blank of a page or two left, for writing the Act in, when it shall be found, which is at present mislaid. The Council of Trade and Plantations desire all the dispatch possible in ye printing these laws. [C.O. 5, 1124. p. 61.]

Oct. 24.
Portsmouth.

735. Mr. Bridger to the Council of Trade and Plantations. Here has been a report for some time of my [*being*] superseded, and by the last post from boston I have recd. the surprissing and unwelcome news that one Mr. Burraston has a Commission for my post and that the sallary commences from 19th June last ; I humbly pray your Lordps. will not let me suffer who has done the duty ever since at a 1000 leeagus distant and had no certainty of it till now, and yet not from any office, my leters informes me that I was removed by the insinuations and mal[icious] contrivances of Mr. Dummer, whom I know to be a falce and [*cun*]ning person, and what further strengthens my oppinion is that he wrot to the Govr. that my post was represented to be worth 5 or £600 pr. annum wch. is most notorious[*ly false*], for he could not think any such thing having as he said the Commission in his hand which sets forth the salary ; In the 2nd place Dummer writes to the Leivt. Governor of this place [*that*] I was turned out but he had no hand in it, and by the talke he made to some of my friends in London, he was the only person that first moved in it, and the only person yt. knew [*it in*] London first, adding that such a day the King signed the Commission and that the person [*was to*] act by a Deputy. If so H.M. Officers here are in very [*poor*] but dangerous circumstances, for here my life is threatened if found on my duty in the woods [*and at*] home if not agreeable to the Agent turn'd out, without any fault assigned but what this Agent shall suggest ; and so he turned out the Leivt. Governor of Boston by the [*assistance*] of Sr. William Ashurst to whom Dummer had insinuated that Col. Taylor was a Jacobi[te and] was turned out imediatly upon it, and I am of oppinion that my asserting and maintaining H.M. title to the woods, against the Charter, and people, have disgusted this great [*man*] and I must fall a victim to his malice, the rumor of my being turn'd out has spread [*through*] the country, the people next the woods threaten what they will do, and have begun to cut [*and*] destroy all before them *etc.* I have yesterday given £5 to [*two*] persons to lay in the woods to make discovery of this destruction [*and design to find it out cost what it will for should*] I now leave my post many thousands [*of good*] mast trees would be destroyed in one month, which consideration keeps me on [*my duty*] and I hope your Lordps. will not let me suffer for want of my salary, till a person arrives to take it from me *etc.* The Governor has promised me to represent to your Lordps. the necessity of the service *etc.*, and the ill consequences that would attend my repairing home at

1718.

a time when so much destruction is like to follow it, *etc.* I have not directly nor indirectly recd. one shilling since my being here *etc.* *Emphasises his knowledge of the woods and people. Prays their Lordships to remember that* "I have been here but one year, and a month, since I renewed my Commission, which cost me while I was a soliciting it £500, that after 22 years faithful service in this country, to be turned out and obliged to beg my bread" *etc.* Signed, J. Bridger. Endorsed, Recd. 29th Nov., 1718, Read 4th Feb., 17¹⁸/₉. Edges torn. 2 pp. [C.O. 5, 867. No. 27; and 5, 915. pp. 244-248.]

Oct. 26.
Antigua.

736. Governor Hamilton to the Council of Trade and Plantations. On the 13th currant arrived Capt. Gibbons in the *Cadogan*, who brought me your Lordship's command's of the 4th April, and 8th May and 21st June, together with your Lordships' observations on the severall Acts past since H.M. happy accession *etc.*, of all which I take particular notice *etc.* In order to gett the Minutes of the Councell and Assembly that are wanting transmitted to your Lordships, I have directions to the severall officers for transcribing them, and as soon as they are compleated and delivered to me, they shall be transmitted to your Lordships, likewise rest assured that the next conveyance from hence will bring you the Minutes of this Island from the time of my arrivall to the 31st March last, if not to the 25th of Sept. the greatest part of them being already transcribed, and for the future your Lordships may be assured they shall be quarterly transmitted you or as oportunity's offer, I having enjoyned the Clerks of the Assemblys of the severall Islands as well as the Secretarys to deliver me the saied minutes by the 25th of March next under paine of being suspended as your Lordship's may perceive by a copy of the orders herewith sent, which I hope will oblige each of them not only to let me have the minutes of the other Islands by that time but to do theire dutys for the future. I also observe that in the Memoriall which your Lordships have sent of the papers that are wanting, you mention the Navall Officers List's, but do not distinguish of what, so that I must beg your Lordship's by the first to explaine the same in regard I know not what lists your Lordship's would have unless it be those relating to the importation of good's from Madera and the Western Islands, which if it be, your Lordships will receive them before this can gett to hand *etc.* I am inclinable to think the affaire of Coll. Crooke will give your Lordship's no farther trouble. But if it should I am reddey to justify what I formerly alledged against him. Your Lordships directions, 4 of Aprill, to use my best endeavours to dispose the inhabitants of Spanish Towne and Tortola to waite patiently where they are untill they can be settled in Saint Christophers will I hope be fully answered by the Proclamations I formerly issued *etc.* Nothing on my part shall be wanting punctually to observe your Lordship's commands on this occasion. I formerly transmitted your Lordship's the answer I had from the Danish Governour at Saint Thomas's since when I have had no farther account relating to that affaire, saving that the Danes do

1718.

still go forward with their settlement on the Island of Saint Johns which againe obliges me to beg that your Lordship's will be pleased to lett me know what farther methods I am to take therein, the Gentleman Capt. John Marshall of Coll. Richard Lucas's Regiment whom I formerly mentioned to your Lordship's to have sent the message by to the Danish Governr. com's for Britaine by this oportunity, to whom I farther refer your Lordship's as to the answer the saied Governour gave then. I am extreemly pleased to hear that your Lordship's have an account of some of the pirates at Providence have surrendered themselves *etc.* I wish they may all have sense enough to returne to their duty. But I cannot help fearing the same, in regard it's but very lately that wee have had an account of their being on the coast of Carolina, and other part's of the maine, where they have taken and plundered severall vessell's, of which I am perswaded your Lordship's will have advice before this can gett to hand. Therefore I shan't now trouble your Lordship's *etc.*, only to say that I don't at present hear of any being in these seas. But how soone we may is uncertaine, the season of the year being at hand, that will force them from the Northerne Collony's. The paragraph of your Lordship's letter relating to the Act past in this Island for prohibiting the importation of French and other forreigne sugar now lyes before me, and in answer to that part which relates to the Assembly, your Lordships may be assured that I will communicate the same to them, and when I have their answer I shall take care to transmitt it to your Lordship's, untill when I must beg leave to defer answering the rest of your Lordship's letter relating to that Act. And as to the next paragraph reminding me of sending my observations upon all the Act's by me to be transmitted to your Lordships with my reasons for passing the same, I shall take care to be very punctuall in for the future, which I hope will excuse my omission of that kind for the time past. Your Lordships of the 8th of May last relating to the Act to quiet present possessors of lands and to limit actions, and avoid suits in law, shall likewise be laid before the Assembly at their next meeting, and I do not doubt, but they will very thankfully agree to pass a new act for that purpose according to your Lordship's directions *etc.* I remarek the defect which your Lordships have taken notice of in the private Acts of the Leeward Islands, for want of a clause saving the right of H.M. his heires *etc.* which I shall take care shall be inserted for the future in all private bill's, as well as punctually to observe severall other articles of my Instructions relating to the passing and transmitting my particular observations on them. I hope my conduct in the suspending of Coll. Thomas Morris will meet your Lordship's approbation, I having nothing in view in that matter but H.M. honour, which I look to be much abused by that Gentleman whose character I am perswaded will not appear very extraordinary when it com's to be examined into by your Lordship's. I take notice of the informations that have been given your Lordship's of the vacancies in the Councill of St. Christophers as well as of the observations that your Lordships have been pleased to make

1718.

upon that occasion. In answer to which I must begg leave to acquaint your Lordship's that by my letter of 6th Feb., 171⁸ I gave your Lordship's an acct. of Mr. Helden's refusing to act, and tho' I have omitted hitherto to give your Lordship's an account of the death of Coll. Jno. Panton and Majr. Ralph Willett yett there has alway's been a sufficient number to make a Councill, so that H.M. affaires have in no respect thereby suffered. However for the future your Lordships may be assured that I will be verry exact in that as well as other particulars, and therefore I take this opertunity to acquaint your Lordship that I had an acct. from St. Christophers about ten day's ago that John Duport Esq. a member of the Councill of that Island is lately dead so that there now remains but six members at present upon the Island, the Lieutenant Generall and Lt. Governr. William Mathew Esq. being absent by leave from H.M., and John Willett Esq. by leave from myselfe having been gone for England near eight month's where his stay is uncertaine, for which reason I intend to swear Coll. William Woodrope Capt. William McDowall and Capt. John Garnett as members of the Councill of that Island at my next going thither (which I intend in a few day's) and therefore I beg leave to recommend them to your Lordship's and to desire that you will be pleased to afford your offices in recommending them to H.M. and getting mandamusses for their confirmation and continuance they being Gentlemen of undoubted loyalty and affection to H.M. person and Government, as well as to the Protestant Succession, and withall of verry good interest's in the saied Island. As to your Lordship's commands directing that no more places may be appoynted for collecting the duty of 4½ p.c. in this Island untill I have given your Lordship's notice and receive your answer thereto, you may please to be assured that I shall take care punctually to obey the same. And withall your Lordship's may depend that I won't omitt observing the last part of your letter directing me to give you advice of the absence of Councillours *etc.* *Refers to enclosure* i., extending the leave of Coll. Vall. Morris, "which I hope will meet your Lordship's approbation. He is a Gentleman of unquestionable zeal for H.M. and the Royall family as also of a distinguished character as to his sense and ability and likewise has a considerable fortune amongst us, and as he has the honour to be Lt. Collonell of H.M. Regiment of Foot in these Islands, I cannot but take leave to recommend him to your Lordships and to desire that he may be nominated to be of the Councill in the severall Island's of this Government. His going for England was by leave from myself, minuted in the Councill Book, but not under my hand and seal it not being usuall heretofore. However I shall conforme thereto for the future. Coll. William Thomas and Coll. John Frey two other Members of the Councill of this Island are likewise absent by leave from me minuted on the Councill Book they are boath in England. But the liberty granted to the former is long since expired, it being only for twelve months, and he has been gon upwards of eighteen, having left this Island in the moneth of Aprill 1717 or thereabouts, since when I have had no farther application from him for

1718.

renewing his licence, so know not, whether he intends to returne againe to this Island, or not. The latter went hence in the moneth of May last past, and had liberty to be absent for twelve moneths of which terme there is yett a pretty deal to come, before the expiration whereof, I suppose he will either returne, or apply to have his licence renewed, which if he dos shall be communicated to your Lordships by " etc., *Signed*, W. Hamilton. *Endorsed*, Reed. 23rd Dec., 1718. Read 21st Jan., 1718. *Holograph*. 3½ pp. *Enclosed*,

736. i. Governor Hamilton's licence to Coll. Vallentine Morris, Member of Council of Antigua, to be absent on leave for a further 18 months. 15th Oct., 1718. *Signed and endorsed as preceding*. *Copy*. 1 p.

736. ii. Governor Hamilton's Order to the Secretaries, Deputy Secretaries and Clerks of Assemblies of the several Leeward Islands, to deliver to him copies of the Minutes of Council and Assembly, lacking and required by the Council of Trade (24th June), by 25th March next, and to deliver copies of the Minutes of Council and Assembly quarterly henceforward, on pain of suspension etc. *Signed and endorsed as preceding*. 1 p. [*C.O.* 152, 12. *Nos.* 124, 124 i., ii.]

Oct. 31.
Nassau on
Providence.

737. Governor Woodes Rogers to the Council of Trade and Plantations. Pursuant to my Instructions I take leave to acquaint your Lordships, I arriv'd in this port 26th July in company with the men of warr ordered to assist me. I met with little opposition in coming in, but found a French ship (that was taken by the pirates of 22 guns) burning in the harbour, which we were told was set on fire to drive out H.M.S. the *Rose* who got in too eagerly the evening before me, and cut her cables and run out in the night for fear of being burnt, by one Charles Vane who command'd the pirates and at ours and H.M.S. the *Milford's* near approach the next morning they finding it impossible to escape us, he with about 90 men fled away in a sloop wearing the black flag, and fir'd guns of defiance when they perceiv'd their sloop out sayl'd the two that I sent to chase them hence. On the 27th I landed and took possession of the fort, where I read H.M. Commission in the presence of my officers, soldiers and about 300 of the people found here, who received me under armes and readily surrendered, shewing then many tokens of joy for the re-introduction of Governmt. I sent officers ashoar at first coming in, but by means of our ship and H.M. ship the *Milford* running aground I delayed my landing till this day. After I had made the necessary enquirys after the characters of the inhabitants who had not been pirates, I got information of a few that were the least encouragers of trading with them, six of whom I nominated and sworn with the six I chose out of those brought with me to compleat H.M. Council here. Their names, vizt. These came wth. me:—Robert Beauchamp, William Salter, William Fairfax, William Walker, Wingate Gale, George Hooper. These are inhabitants:—Nathaniel Taylor, Richd. Thompson

1718.

Edwd. Holmes, Thos. Barnard, Thos. Spencer, Saml. Watkins. But since their election Messrs. Salter and Watkin are dead into whose places Christopher Gale and Thos. Walker have been chosen. I have occasion to recommend in a particular manner Messrs. Beauchamp and Fairfax, Colo. Gale, Capt. Gale and Mr. Hooper yt. came here with me their firm adhearance to H.M. interest and diligence here deserve all the regard I can now shew them and hope H.M. will please to confirm them of his Council here. Those six I found here are men of the best morals amongst the people, and I believe are capable to advise us of anything relating to lands on the Bahamas, till more fit persons arrive to settle here. I have appointed by my Commission Robt. Beauchamp Esq. first Lieut. of my Independant Company under my command to be Secretary General of these Islands and I do earnestly solicit your Lordships to interceed with H.M. that he may have a patent for that place, because he is very capable and the long fatigues he has and may yet endure render him deserving of the greatest rewards I can procure him here. Christopher Gale Esq. I have made Chief Justice, because he maintain'd an honest and genteel character during the 13 years he was in that office at No. Carolina by favour of my Lord Carteret, but being very willing to change his living on that Colony, beleiving he could do more good in this, I hope your Lordship will be pleased to offer him to H.M. pleasure for that office. I have added in the Commission to be Assistant Justices Wm. Fairfax and Thomas Walker Esqrs. whom I beleive will do justice and act honourable. Mr. Fairfax is by Patent Judge of the Admiralty but without an annual salary, the office is but barely honble. for want of support, I did indeed receive an order from the Lords of the Treasury to appoint him Deputy to Mr. Graves Collector in case of that old man's inability to act, wch. he has not been able to do otherwise then in his chamber or bed, but is of so petulant a temper that I have been unwilling to interfere, and Mr. Fairfax not pressing to serve under such a peevish gentleman without the manner of his acting and pay, or fees, was settled for wch. I have no direction how to divide it, and Mr. Graves having no other support but this employ wch. he has been several years possess'd of. I am very unwilling to meddle in this affair without its first being settled in England. But beg leave to propose for H.M. approbation that Mr. Graves may enjoy his annual sallary of £70, and the fees of Collector will content Mr. Fairfax during Mr. Graves's life *etc.* Capt. Gale is Commander of the ship *Delicia* which I came in and being one that I can rely on have taken him into the Council. Mr Hooper is his chief mate and by the former reasons chose him, and by my Commission made him Naval Officer, but how long these two last gentm. will continue here, I know not. The satisfaction that I proposed at home to myself after my arrival here has been very much taken away by the mortality of many of my soldiers, passengers, and seamen. There had been a sickness upon the Island about a fortnight before we came in imputed to a number of raw hides put on shoar near the towne, wch. putrified the air, but as if only fresh European blood could only draw the infection,

1718.

the inhabitants and people quickly became free and our poor attendants on every hand seized so violently that I have had above 100 sick at one time and not a healthfull officer, till now we begin to recover. The air being purged I trust in God shall not see such another season ; this last being such an extraordinary fatality unknown before to persons who have lived here these forty years past. But they all agree yt. people when they become sickley in most of the other American Plantations find relief when they come here. The Island of Providence is at present overgrown with wood but affords an agreeable view of what industry may make, and I hope for the honour, and good fortune, to see the Bahamas equall if not exceed the characters given you in my several Memorials *etc.* Here we found the ruins of the former fort which we are employ'd in rebuilding, one bastion fronting the sea last week fell down having only a crazy crack'd wall in its foundation. The wages of hired workmen are extravagantly dear, and I have buried most of those I brought with me. If H.M. would please to contribute towards the fortifications necessary to be erected in two more places in the harbour of Nassau when I have workmen here, the charge would be much less then at any other place in the West Indies, and I presume not of less consequence, another Independant Company with one years provision more would be sufficient to garrison it, and I dare be confident that in little time after our Assembly shall be called, I could find an expedient to raise a fund for supporting the garrison on their bare pay. Here is the best stone, lime and timber, everywhere on this Island, but at present the excessive laziness of the people and sickly season has been the only cause, I have not put the place by this time in a better posture of defence. I shall continue doing all I can for fear of a sudden rupture wth. either France or Spain, it lying so advantageous to annoy their trade that they would dread the consequence of this place more then any other English settlement in America. In dependance that I shall have numbers of new inhabitants by that time I can have H.M. Orders, I beg in the next place to recommend the settlement of an Assembly for these Islands wch. with submission may consist of 15 persons for Providence two for Elutheria two for Harbour Island one for Abacoa the number may be encreased for each Island as they shall be settled, for I cannot forme a Council and Assembly out of those that are now here except I take such as are not to be rely'd on, and most of them are poor and so addicted to idleness that they would chuse rather almost to starve then work. We have scarce half of those who have been pirates left, for they soon became weary of living under restraint and are either gone to several parts of North America, or engaged themselves on services at sea, wch. I was willing to promote, for they are not the people I ought to think will make any land improvements, and I wish they may be faithfull at sea. I shall depend on those I have invited from several Collonys accustomed to plantations, particularly the whole inhabitants of Anguilla, who readily accepted my offer when I called there in my way hither. Anguilla is a defenceless barren Island amongst the Caribes that has as they

1718.

themselves informe me about 1800 whites and blacks on it. The people are very poor but industrious. I have sent a vessel to give notice of my being in security here, on which I expect many of their familys and slaves will come in their own vessels. I am more covetous of those people because I observed and was told that they all live in perfect friendship with each other, and are of modest behaviour, whose conversations will very much reform the contrary manners of the men and women now with us, which cannot be suddenly changed. Many others have sent me word from Bermudas that the inhabitants are too numerous, and at Carolina where I hear they dread a worse Indian warr then the last, and dont beleive themselves secure under the Proprietors. Numbers of those people I depend will be here from the knowledge they have of the soil being so very productive, that with little labour almost every root, plant or grain will in small time ripen to perfection. We may soon expect to rake salt enough, from the several ponds amongst the windward Bahama Islands, to supply Newfoundland and all North America, and were it worth while vast quantitys for Europe, so that we hope to have the same vessels as now do use Salturtuga come here for salt, as being much nearer all North America. Here might be very good whale fisherys promoted. We expect experienc'd men from Bermudas to begin on it this year. Ambergrease is found in large quantitys amongst these Islands *etc.* I have erected a small fort of eight guns at the eastermost entrance into the harbour where we keep watch, and have formed the inhabitants and all the rest of the men on this Island into three companys of Militia, under their own officers, who by turns keep a guard in the town every night. I don't fear but they'l all stand by me in case of any attempt except pirates, but should their old friends have strength enough to designe to attack me, I much doubt whether I should find one half to joyn me. This made me keep not only the guardship according to my proposals to protect the place, but till now two ships more belonging to the gentm. that has so generously adventured to make this settlement. I haveing been very ill almost ever since my arrival here and my Independt. Compa. and those that came wth. me reduced so low, that sometimes, I had scarce men to mount the necessary guards this has been extremly fateaguing to us here and very expensive to the above Gentlemen adventurers beyond wt. could be imagined at home. I have commissioned Edwd. Holmes Esq. one of the Council, to be Deputy Governour of Elutheria where there is about 50 familys and 70 men formed into a Militia Company and Richard Thompson Esq. another of the Council Deputy Governour of Harbour Island where are about 60 familys, and 80 men wch. are also in another Company of Militia they have fortified themselves and secured the harbour wch. is very narrow at the entrance but a ship of 18 foot water may go in and ride very securely, a draught of this harbour and all ye Bahama Islands are indifferently well done by one Capt. Cockram and I have sent it home by the *Samuel* that brings this, there are severall good men there that may be relyed on. I have supplied them wth. powder and shot,

1718.

for they have two small forts, one of eight six-pounders and the other of four nine-pounders that commands the entrance and harbour. I prevailed wth. Comadore Chamberlain to stay till the 16th Aug. and wth. some difficulty procured his order to Capt. Whitney to stay three weeks longer in which time I was in hopes my men and the fortification would be in a better state for I wanted to depend on my own strenght without the men of war if possible, since they often told me they had no orders, and was very much against staying wth. me when the three weeks was expired I was yet in a worse posture of defence and sick myself yet I could not prevaile with Capt. Whitney to stay longer then the 14th Sept. tho' we depended every minute to hear of Vaine weh. Capt. Whitney and I knew was expected at Abacco every minute, for on 1st Sepr. three men that came in a boat from Vaine who was then on the coast of Cuba confess'd they promised to meet him again about this time there ; And the very day after Capt. Whitney sailed, I had an express sent me that three vessels supposed to be Vaine and his prizes were at Green Turtle Key near Abacoa and since I had no strenght to do better, I got a sloop fitted under the command of Capt. Hornygold to send and view them and bring me an accot. what they were, in the mean time I keep a very strick't watch for fear of any surprize, and not hearing from Capt. Hornigold I was afraid he was either taken by Vaine or begun his old practice of pirating again, weh. was the general opinion here in his absence, but to my great satisfaction he return'd in about three weeks having lain most of that time concealed and viewing of Vaine the Pirate in order to surprize him or some of his men that they expected would be near them in their boats, but tho they failed in this Capt. Hornygold brought wth. him a sloop of this place, that got leave from me to go out a turtling but had been trading wth. Vaine who had then wth. him two ships and a brigantine, his sloop that he escaped hence in being run away with by another set of new pirates, the two ships he took coming out of Carolina one of 400 and the other of 200 tons loaded wth. rice, pitch and tarr and skins bound for London the *Neptune* Capt. King being the largest he sunk and the *Emperour* Capt. Arnold Gowers he left without doing her any damage except taking away their provisions. I have secured the mercht. that traded wth. Vaine and having not yet a power to make an example of them here he remains in irons to be sent home to England by the next ship. For want of Capt. Whitney's staying to assist me we have once more missed taking this Pirate. I beg your Lordships (if H.M. signifies his pleasure of stationing any ships of war here) that they may be under the direction of the Governour and Council whilst here or at least one of them, otherwise we expect little benifit by their assistance if the *Shark* sloop that came wth. us was appointed or any other such small cruzier we then could joyne a sloop or two and men from the guarrison with the best of the people here and soon be out after any pirate for we may expect to be alarmed by them whilst there are any in America. This Vaine had the impudence to send me word that he design's to burn my guardship and visit me very soon to

1718.

return the affront, I gave him on my arrival in sending two sloops after him instead of answering the letter he sent me. He expects soon to joyne Majr. Bonnet or some other pirate, and then I am to be attack'd by them. But being now got to the 20th of Octr., the heat abates very much and our people all begin to be pretty well and our fort will be soon in a tollerable posture of defence, and the guardship is well provided wch. makes me now not concern'd at his threats. Capt. Hornygold having proved honest, and disoblged his old friends by seazing this vessel it devides the people here and makes me stronger then I expected. The 6th of Sepr. I wrot Governour Hunter at New York of the mallancholly state of our settlement and at that time beg'd that he would send me 40 of his guarrison and an officer for then I was afraid that the distemper would run further then it has, and make me too weak to hold this place. On the 15th Sepr. fearing my letter to Governour Hunter should miscarry I wrot the same to Sr. Nichols. Lawes Governour of Jamaica and beg'd 20 or 30 men from him. But on the 6th of Oct. our people being somewt. recovered and ye pirates many of them gone hence, I acquainted the Governour of New York yt. if his men were not on their way hither, I desired the lent but of 25 men till he had more inhabitants and yt. I would pay the transportation. I again wrot the Governour of Jamaica yt. I did hope I could do without any of his soldiers, and desired he'd keep them if not come away thence, because my people began to be more healthfull. I can now muster in armes of our own people belonging to the Independant Company, 112; of passengers and new inhabitants that I can rely on, 30. And at our last muster of ye merooners and the inhabitants we have at home to appear in armes, 152. There are about 150 more that has been pirates who has gone hence since my arrival and keeps near this place moving out and home mostly amongst these Islands and coast of Cuba if they all return I will endeavour to keep them employed, I expect not less then 150 of these sort of people at home continually, till new inhabitants of better principalls come to make us stronger. *Nov. 4th.* Whilst I was concluding this letter there came in some of those men before mentioned, but with ye unwelcome news of all our vessels designing to trade on Cuba being seized on and run away with by the very sailors that came in on the Act of Grace, and entered here to navigate them, they still retaining the itching desire to return to their former vile course of life, made use of the first oppertunity and finding themselves stronger then the honest side on a signal given made the other prisoners. But before they had prepar'd their vessels for piracy they turn'd four of their men which I recommend'd on shoar by themselves on a desert island ye Spaniards soon after attack't them in a small haven amongst these islands and whilst they were preparing their vessels took advantage of their cowardice and surprized them. The English renegadoes flying out of their sloops on shoar, and would not accept of the offer the prisoners made to assist them against the Spaniards whom they might have taken being superior in number and strength. This attempt of the

1718.

Spaniards tho ill intended had two good consequences to us the one in breaking the measures concerted by these new villains who intended to joyne Vaine and attempt this place, and the other in preventing the Spaniards' design on Elutheria or Harbour Island as they declared they intended to surprize one of these places in the night. The French also cast their eyes on these Islands and I beleive whenever they have an oppertunity they'l not scruple it for want of title for. A sloop belonging to these Islands conveyed a letter from me to ye French General of Hispaniola about a brigantine the pirates has left here ye person that deliver'd the letter to the General informes me he stamp't wth. his foot and said in a passion that the French king his Master had right to these Islands and that they would settle here very soon such are the sentiments of these two Nations and as we find they think, that they are worth contending for it is ye greater reason for us to value ye possession for if we loose these Islands, we shall better judge of the consequence had we kept them by finding how much they are capable of annoying ye neighbourhood. I have yet had no tryal of the men I now most depend on but I hope I have about 200 including my Independant Company, that may be relyed on against all attacks, and because here are several amongst them that seems ambitious to convince me, of their integrity to serve this Settlemt. and as I do not know how to hold this place without their assistance, I beg your Lordships would interceed wth. H.M. to procure them the same favours as Governour Bennet procur'd for those that surrendred to him at Bermudas wch. will very much endear the reform'd here, and be their security when they have occasion to visit any other Settlement, some of them were amongst others that comitted acts of piracy since the 5th of Janry. last but seem to be reform'd, this has been one great reason why I gave them all their certificates in ye manner I did (*copy inclosed*) neither have I exerted my power as Vice Admiral to seize many things that I might have laid my hands on because I would not quarrel at the time of my mens great sickness when they might have sent us all back again. My not then taking an advantage of them has stopt several here that would have been out a pirating afresh this I hope will redound to the publick service wch. I have and shall regard before my own interest. What wth. the pirates robbing us and ye inclination of many of our people to joyn them, and the Spaniards threatening to attempt these Islands we are continually obliged to keep on our guard and our trading vessels in our harbour above 100 men that accepted H.M. Act of Grace in this place are now out pirating again and except effectual measures are taken the whole trade of America must be soon ruin'd etc. *Signed*, Woodes Rogers. *Endorsed*, Recd., Read 17th Dec., 1718. 25 pp. *Enclosed*,

737. i. (a) List of soldiers, sailors and passengers deceased since we arrived at Providence. 86 names.

(b) List of men entered, discharged and deserted since we left England. 19 names. *Endorsed*, Recd. 16th, Read 17th Dec., 1718.

737. ii. Copy of proceedings of Governour and Council of the

1718.

Bahama Islands, Nassau, Providence, 1st Aug.—28th Sept., 1718. *Endorsed as preceding.* 8 pp.

737. iii. Deposition of Thomas Bowlin, and four others, Nassau on Providence, 8th Sept., 1718. Deponent sailed about three months ago from Harbour Island, on board the sloop *Dolphin*, to trade with the Spaniards for live stock at Porto Prince, Cuba. Here the sloop was seized by one of the Commanders of the Guarda d'la Coast's, who compelled deponent to sail with him as pilot for Andros Island in order to look out for English vessels cutting wood, and thence to Providence, where he lay viewing the island, in order to take some boat for intelligence *etc.* On returning to Porto Prince, deponent, with four of the Company, was allowed to depart in a periauger, leaving one of the company as hostage for the fulfilment of the condition that they should pay for the same and return with letters from the Governor here to prove themselves to be honest men, the Alcaldia being of opinion that they were pirates and that there was no Governor here *etc.* *Signed,* Thomas Bowling, Phillip Cockrem, William Rutherford, Nathaniell Baran, Josep Hern, *alias* Middlebourrow. *Endorsed as preceding.* 2 $\frac{3}{4}$ pp.

737. iv. Deposition of William Dewick, of Kingston in Jamaica, mariner, and three others. 15th Sept., 1718. On 19th July last deponent was on board the sloop *Edward and William* at anchor in a lagoon on the coast of Florida, 10 leagues to the southerd of the northermost Spanish wrecks, in company with 4 other sloops. Four Spanish vessels showing themselves off the mouth of the harbour, the English fired several shot to bring them to, not knowing who they were. The Spaniards landed about 130 of their people on the north side of the lagoon, who marched within gunshot of their vessels, and engaged them from the shore, and at the same time one of the Spanish vessels plying too and from play'd upon them with great shot from the mouth of the harbour. One Englishman was killed and six wounded, and one Spaniard was found dead on the shoar after the rest were gone aboard, which they did that evening, and stood away to sea. On 19th Aug. two Spanish brigantines came against the mouth of the harbour, one row galley, six sloops (two of which were English vessels, taken by the Spaniards in their passage from the Havanna thither, one of them belonging to New York was commanded by one Boniett, and the other belonging to the Asciento Factor at the Havanna commanded by Capt. Marshall of Jamaica) *etc.* In reply to a flag of truce, they proposed that if the English would permit them without opposition to come into the harbour, they would not interrupt them in working upon the wrecks, but that each company should work without doeing any injury

1718.

to the other. This was agreed to, and the Spaniards treacherously surprising the English made them all prisoners and took what moneys and plate they had got from the wrecks. Deponent with 20 others was put on board the *Edward and Sarah* schooner in order to be sent to the Havanna under the conduct of five Spaniards in company with a Spanish sloop, from whom they were parted by bad weather, whereupon deponents secured the Spaniards and their armes, and made way with 'em for this place. *Signed*, Wm. Dewick and three others. $1\frac{3}{4}$ pp.

737. v. Certificate by Governor Woodes Rogers as to the taking of preceding deposition. Deponents added that the report made by the Spaniards of a black flagg being hoisted against them when they first assalted the English at anchor in the lagoon is utterly false *etc.* 15th Sepr., 1718. *Signed*, Woodes Rogers. *Endorsed*, Reed. 16th, Read 17th Dec., 1718. 1 p.
737. vi. Estimate of stores of war *etc.* needed for fortifying Providence. Nassau, Oct. 31st, 1718. *Endorsed as preceding.* $1\frac{1}{2}$ pp.
737. vii. Deposition of Richard Tayler, of Philadelphia, Master of the sloop *Elizabeth and Mary*, of Pennsylvania, and three others. Nassau, 4th Aug., 1718. Arriving at Exuma, 5th July, to load salt, he and his sloop were taken by three Spanish periaugas from Baracoa *etc.* They sent away his sloop for Baracoa and from thence till the 24th, deponent was confined as prisoner with his mate and two others, cruising about between Stocking Island, and Exuma, att wch. time they stretch'd over for Catt Island, and on the 26th landed there in a creek on the S.W. part of the Island, and took 6 women and several children, but not one of the men belonging to the said Island, they all flying to the bushes for shelter. They carried of thence all the goods they could find belonging to the inhabitants, even to the meanest of their household utensils. At the same place they met and took 8 men who had lately belong'd to a pirate sloop built at Bermudas, commanded by one Cha. Yate *etc.* Richard Holland, an Irishman in command of one of them, told deponent that a new Governor was lately arrived at the Havana from Spain, with orders to destroy all the English settlements on the Bahama Islands : and that they had provided for that purpose, one ship of 50 guns and 700 men, another of 26 guns and 300 men, and three row gallys full of men, wth. instructions in case of surrender, to transport the people and their effects to Carolina, Virginia, or some other of the Northern Governments, but in case of resistance to send them to the Havana, for Old Spain. Deponent desired that he might go with his sloop to defend her upon her trial, but this was refused, and Holland said the

1718.

Alcacid of Baracoa or Trinidad would for 500 peices of eight condemn any vessel he carried in, and shewed him a large commission from the Alcacid of Baracoa for what he did *etc.* *Signed*, Richd. Taylor and three others. 2 pp.

737. viii. Governor Woodes Roger's certificate as to the taking of preceding deposition, 4th Aug. *Signed*, Woodes Rogers. *Endorsed*, Recd. 16th, Read 17th Dec., 1718. $\frac{3}{4}$ p. [C.O. 23, 1. Nos. 10, 10 i.-viii.]

Nov. 3.
New York.

738. Governor Hunter to the Council of Trade and Plantations. *Abstract.* Acknowledges letters. As to the badness of pitch and tar exported from the Plantations, no remedy can be applied till the Assembly meets next spring. Will follow the Solicitor General's opinion concerning licenses for whale-fishing. Acknowledges Commission for pardoning pirates, which he is afraid will meet with bad returns, "for we have found by experience that their money spent and no merchant willing to employ them, they generally return to their former course of life." The Province and Legislature are under the deepest obligations to the Board for transmitting the caveats lodged with them against the Act for payment of the remainder of the public debts. Explains and defends said Act, and encloses Council's answer, and also Assembly's Address, upon Address of Grand Jury against the bill (*cf.* 7th Aug.). "A few merchants here with those over whom they had any influence have formerly and will ever hereafter oppose and obstruct as much as in them lies all acts for support of Government although it is self evident that all this time our credit is higher and our trade more considerable than formerly, as your Lordships may observe from the Naval Officer's account. We have heard with pleasure of Sir George Byng's success against the Spanish fleet they have indeed been making war upon us of a long time as your Lordships will observe from the Assembly's address" *enclosed*. The Provincial Agent will lay the papers relating to the seizure referred to before the Board. *Encloses* acts passed the two last Sessions, none of which require any observations. By one the inconveniences complained of in the Revenue acts are removed. But, for reasons previously stated (July 7th *etc.*), asks, on behalf of the Legislature and people, for H.M. permission to make good the deficiencies that will be caused by said act, by passing an act laying a duty of 2 p.c. on all dry goods directly imported from Europe, which being on the prime cost does not amount to one per cent. and is in reality paid by the purchasers themselves, for without this the wisest men cannot devise funds sufficient for the future support of the Government. *Encloses* Minutes of Council and Journal of Assembly, and recommends to the Board's consideration the Address of Assembly relating to the Revenue acts. *Concludes* :—"And when you have reflected on the former difficulties in settling any Revenue at all and the consequences that may attend the obstruction of a future settlement I cannot persuade my self that your Lordships can think that the clamours of a few self interested men avowed

1718.

enemies to all such settlement can have force or weight to overbear the joint opinion of H.M. Council here the Representatives of this Province and the whole body of such as are known to be well affected to his person and Government. The affairs of the Jerseys require no separate letter all continues there in perfect tranquillity that Assembly which was to have met at this time is adjourned to the beginning of January by reason of their Courts of Justice which sit in this and next month in the several Counties." *Set out*, N.Y. Col. Docs. V., p. 520. *Signed*, Ro. Hunter. *Endorsed*, 17th Dec., 1718, Read 23rd April, 1719. $6\frac{1}{2}$ pp. *Enclosed*,

738. i. Memorial of the Governor and Council of New York to the Council of Trade and Plantations. *Reply to caveats against the Act for payment of public debts etc.* It is with no small concern we find a number of strangers to the Province very little interested in the trade of it become the advocates of a few male contents here and arraign the whole Legislature as the vilest of persons. We hope a libel against the Legislature founded only on imaginations and suspicions may be dismist with such a rebuke as will discourage such attempts for the future, *etc.* Their preamble consists of gross prevarications and misrepresentations. First they set forth that the debts accrued but since 1698 and that they were stated by the Commissioners at £19,000, and that by claims comeing in afterwards with what was added by this board they were found to amount to £27,680, which was paid by an Act for that purpose. But that it was declared at the passing of that Act and inserted into the preamble of it, that that Act should not serve as a president for any like bill for the future. The truth is very different. The debts began as far back as 1687, and were stated by the Commissioners at £36,482 13s. 1 $\frac{3}{4}$ d., nor was there any such declaration as they say in any part of it, nor is it to be thought reasonable that the Legislature would make any such declaration as would intemedate the people and be a means of their denying a credit to the Government when there was occasion for it. *Continue* :—They represent the Act now complained of as a piece of private managery and that the Assembly took all the care they could to make it so by not printing their votes. This is a very wicked as well as ridiculous representation for tho' it be true that the votes were not printed (owing to the negligence of the printer, there being a standing order for that purpose and sheets of votes were carried by the clerk of the house to him for that end), yet the proceedings were not less publick, for on Aug. 24th 1716 there was an order of the General Assembly to certain persons therein named to receive the several claimes and report them at the next meeting of the house these persons sat publickly all the following winter and part of the next summer *etc.*

1718.

Some of the Grand Jury who gave rise to this representation solicited that Assembly for debts and had them *etc.* It is ridiculous to make the pretence of privacie when anybody for a small value might have from the Clerk every night a copy of the votes of the foregoing day *etc.* If the addressors were really concerned for the precariousness of the funds, they might have applied to us before whom the bill then was. The reasons for enacting the bill are in the preamble, which we humbly offer as reasons sufficient *etc.* The true reason for the clamours against the Act is because those men were paid who appeared so early on the side of the Revolution *etc.* *Answer objections in detail.* Cf. June 4th, 1719. *Conclude*:—The Act has the just relief of many persons and the credit and service of the Government for its foundation: the repeal of it will be attended with dangerous consequences *etc.* *Signed*, Ro. Hunter, A.D. Peyster, R. Walter, Gerard Beekman, Rip Van Dam, John Barberie, Th. Byerly, John Johnston. *Endorsed*, Recd. 17th Dec., 1718, Read 22nd, 23rd April, 1719. 15 pp.

738. ii. Examination of Denis Downing before the Council of New York, 31st Oct., 1718. He signed the address against the passing of the Act for *payment of debts* without reading it, because desired by Samuel Barker and others in a coffee-house in London in April last *etc.* *Signed*, Denis Downing. *Endorsed*, Recd. 17th Dec., 1718, Read 23rd April, 1719. *Copy*. 1 p.
738. iii. Affidavit by Gabriel Ludlow, Clerk of Assembly of New York, 31st Oct., 1718. Confirms No. i. as to printing of votes *etc.* *Signed*, G. Ludlow. *Endorsed as preceding.* *Copy*. 1 p.
738. iv. Minutes of Assembly of New York, 29th Nov. *etc.* 1717. Address to H.E. ordered upon the representation of the Grand Jury *etc.* *Copy*. 1 p.
738. v. Address of the Assembly of New York to Governor Hunter, Dec., 1717. We thank you for communicating to us the representation of the Grand Jury. We join with them in acknowledging that to your just, milde and prudent administration is very much owing the flourishing circumstances we now are in *etc.* We are very much concerned to find a number of men some of which makes so considerable a figure in our trade to be endeavouring (but we hope not intentionally) the distruction of that credit which is so very much their interest to preserve *etc.* If the funds are precarious the Royall assent will not make them less so *etc.* They are the same funds that support the Government, and the credit of those very bills now currant which has so much raised the character and interest of the trade of this place *etc.* *Same endorsement.* *Copy*. 2½ pp.
738. vi. Address of the Assembly of New York to Governor

1718.

Hunter. New York, Oct. 14, 1718. A sloop with her cargo belonging to the Mayor of this City was on her voyage to this port taken by subjects of the King of Spaine and carried into St. Juan de Porto Ricco, and there condemned though the master had neither directly or indirectly traded in any port belonging to his Catholick Majesty or with any of his subjects *etc.* Others belonging to this port have been taken by the Spaniards in their voyages to and from the West Indies with only the produce of H.M. Plantations on board. Several vessells are fitting out at Porto Ricco in order to seize such English vessells as shall pass that way, which will render our trade and the supply of provisions to the West India Islands precarious, and this being of most fatal consequence to the trade of this Colony, we humbly pray your Excellency that you would represent it in such manner to H.M., and his Ministers that restitution may be made to the Mayor, and such unjust proceedings prevented for the future. *Signed, Rt. Livingston, Speaker, and 21 Members of Assembly. Same endorsement. Copy. 1 p. [C.O. 5, 1051. Nos. 88, 88 i.-vi.; and (without enclosures) 5, 1124. pp. 79-86.]*

Nov. 3.
New York.

739. Governor Hunter to Mr. Popple. *Acknowledges letter of 23rd July etc. Continues:—*There are no Counsellors absent from New York with or without leave tho' some live remote in the Province and cannot attend. There has no forreign vessel been here to trade since I have been in this Government. As to our vessels that trade with forreign Plantations I shall observe the directions given me by their Lordships. I have by the same conveyance transmitted to their Lops. all publick acts minutes and papers which were mentioned in your schedule to be wanting except the Naval Officer's account for the three years mentioned there which will take much longer time than I have at present to make out. But if you'll be pleased to send to the board of Customs to whom for that three years they have been by a very odd mistake transmitted they will furnish you with them, they haveing the same accounts by the same conveyances from the officers of the Customs here. In my former letters to their Lordships I have in effect answered what you writt in relation to the Council of the Jerseys. But there is a mistake in that list of Counsellors you sent me for William Morris has been dead many years and never was in the Councill so that there is room for John Johnstoun in the Eastern Division and for the continuation of the good old man George Deacon for the Western. Of those formerly recommended Miles Foster and Robert Wheeler are dead and John Bambridge become altogether unfitt by age and hard drinking. For the Eastern Division I continue my recommendation in case of vacancies for John Reid, Adam Hude, John Johnstoun and Thomas Leonard and John Harrisone is now of the General Assembly but he is of the Eastern Division alsoe. For the Western John Reiding son of the deceased of that name

1718.

Peter Baird merchant and inhabitant of Burlington John Muirhead and Anthony Woodward. But before I can venture to recommend more I must be better advised. There was no Assembly sat in Jersey in any of these three years of which you mention the Minutes of Assembly to be wanting. But the Minutes of Council which are a wanting shall go so soon as they are perfected which I hope will be by the first conveyance *etc.* Signed, Ro. Hunter. *Endorsed*, Recd. 17th Dec., 1718, Read 23rd April, 1719. 3 pp. [C.O. 5, 1051. No. 89; and 5, 1124. pp. 88, 89.]

Nov. 4.
Antigua.

740. Governor Hamilton to the Council of Trade and Plantations. *Encloses* Minutes of Council of Antigua 7th Feb., 1716—31st March, 1718, and of Assembly 11th Feb., 1716—31st March, 1718. *Concludes*:—As soon as I get the remainder, which I believe will be by the next opportunity I shall not fail to transmitt them to your Lordships. Signed, W. Hamilton. *Endorsed*, Recd. 12th, Read 16th Dec., 1718. 1 p. [C.O. 152, 12. No. 120.]

Nov. 6.
Whitehall.

741. Mr. Popple to Richard West. The Lords Commissrs. for Trade *etc.* desire that when you have considered the papers transmitted to you 7th Oct., you will give them your opinion in writing whether the Province of the Massachusetts Bay or those claiming under them have any and what right to the woods or any part of the same growing in the Province of Maine, what woods the Province of the Massachusetts and those claiming under them have a right to, as likewise what woods on sevl. lands comprehended under the Charter of the Massachusetts Bay do by Act of Parliament reservation in the Charter or otherwise belong of right to the Crown. [C.O. 5, 915. p. 223.]

Nov. 9.
Barbado's.

742. Governor Lowther to the Council of Trade and Plantations. *Acknowledges* letters of 20th March and 20th June. *Continues*:—Tho' seldom any vessels go's directly from hence to the Maderas, yet I directed the Naval Officer here to prepare such an account of the exportes and importes between Barbado's, the Maderas, and Western Island's as you seem to require (*enclosed*). *Returns thanks* for information as to measures taken to suppress pirates. *Continues*:—As I've expected with some impatience the Commission *etc.* to try pirates, so I cannot omit informing you, that Captain Francis Humes Commander of H.M.S. the *Scarborough* took on the 12th of June a pirate ship called the *Blanco*, of 6 guns, man'd with 80 men, and commanded by one Lew. [? de] Le Bour, a French man, who made his escape with all his men but 17, which number, are now in gaol here, and maintained out of the mony arising from the pirates goods that were seized here for the King's use, by vertue of my warrant dated the 24th of July, grounded on my 54th Instruction: the issuing of this warrant, was occasioned from Chaptain Humes having got the sd. ship and goods condemn'd as a prize to him at St. Christophers by one William Woddrop Judge Surrogate of

1718.

H.M. Court of Admiralty there, and from his declaring that he would dispose of the sd. ship and cargo here as his prize even after I had shewed him the aforementioned Instruction, but as the whole proceeding of this affair is entered in the Minutes of Council herewith sent, I shall not trouble your Lordships with a further narrative of it, but only say, that I conceive all pirates goods belong to the King, and that Mr. Wooddrop acted illegally *etc.* *Encloses accounts of pirates' goods sold etc.* *Continues* :—In the meantime I should be extremely glad to understand H.M. pleasure touching the sd. 17 pirates *etc.* I've reconsidered all the Acts inserted in the list Mr. Popple sent me by your Lordships direction, and do sincerely declare I know no material objections against any of 'em, but do still apprehend that they are very reasonable, wholesome, and necessary lawes ; but as your Lordships seem to dislike some of 'em, I shall endeavour to give you all the satisfaction I'm able. I observe that your Lordships are of opinion that the Act for laying an imposition on wines *etc.*, is not only lyable to many objections on account of the powers and penalties therein contained, but also, that it may have an ill effect upon trade. In answer to these scruples I hold it necessary to informe your Lordships, that tho' this Act is only annual, yet, it has been continued for many years as the easiest and most impartial imposition that can be laid upon the country. If the powers given for collecting the several impost's, and the penalties inflicted on eluding the payment of the several rates and duties thereby imposed are thought to be too great and exorbitant, it may be justly said, that the many trick's and fraud's which the importers of the sd. wines and strong liquors did put upon the Government is the only reason of making the Law so very strict *etc.* I conceive this law has no ill effect upon trade, because if the importers are dissatisfyed with market here, they are not only intituled to have a permit to export it to what place they please, but also of having all the duty either remitted or repayed. As to the Act for compiling the Laws of this Island I shall take care to lay the collection thereof before your Lordships (when finish'd) in order to receive your approbation before they are sent to the press. The exception that's taken to the Act for defraying the expence of the Commissioners appointed for making contracts being only about the wording of it, I hope the intent of the Act gives no offence ; it being thought but reasonable here that the country should defray the expence of such publick spirited person as neglect their private affairs to serve their country. I hope your Lordships approves of the Act empowering licentiate lawyers to practice as barristers here since I find no animadversion upon it : as I'm sure no reasonable objection can be raised against it, but what may be easily answer'd, so I beg the favour of your Lordship's (on behalf of the Country) that if any interest is made to get it repealed, that you would be pleased to transmit us the reasons that are assigned against it, and to suspend your judgment, till you see the answer that may be given to the sd. reasons. As I send your Lordships by this opportunity a particular state of H.M. fortifications here, together with

1718.

the Treasurer's account of the tax on negro heads that was raised for the repair thereof, as also the Minutes of Commissioners of contractes relating thereto, so in order to satisfy your Lordships that the sd. tax has been faithfully and justly apply'd to the use it was design'd ; I desire you'l be pleased to observe that all the person's names with whom the Commissioners contracted for any materials for the use of the fortifications and all artificers names that were employ'd to work up the sd. materials are all inserted in the sd. Minutes as well as the wages of the several artificers, and the quallity, quantity and prises of the several species of materials etc. ; likewise that as any of the Contractors had compleated their contractes ; the Commissioners certified it to me in Council : this also appears by the Minutes of Council, as likewise that the Council advised and consented to my issuing orders on the Treasurer for the payment thereof. *Refers to the Treasurer's accounts settled with the Committee of publick accountes etc.* The mony remaining in the Treasurer's hand upon the sd. tax, and the materials that are yet unrought up will fully compleat all the fortifications. As your Lordships will find among the rest of the publick papers (I now send you) an estimate of the publick debts stated by *the said* Committee, so I cannot but acquaint you, that the provision that's made by the two levy Actes on negro heads (now sent you) together with some debtes we have recovered for the country will ballance all the publick debts by May next. I cannot conclude without thanking your Lordships for your admonition, thô I cannot but compare it to épée à deux tranchans which I shall take the liberty to explain in my next. *Signed, Rob. Lowther. Endorsed, Recd. 30th Dec., 1718, Read 30th Sept., 1719. Holograph. 4 pp. Enclosed,*

- 742. i. List of public papers sent in preceding. *Same endorsement. 1 $\frac{3}{4}$ pp.*
- 742. ii. List of causes determined and depending in the Court of Errors, Barbados, 18th Feb., 1717—16th Sept., 1718. *Same endorsement. 1 p.*
- 742. iii. List of causes determined in the Court of Chancery, Barbados, since 19th May—9th Oct., 1718. *Same endorsement. 4 pp.*
- 742. iv.-xii. State of the several fortifications and stores of war in Barbados, July, 1718. *Signed, Robt. Yeamans, Tho. Maycock junr., John Waterman, W. Leslie, Tho. Maxwell. Same endorsement. 10 pp.*
- 742. xiii. Account by Judge Edmund Sutton, Treasurer of Barbados, of £10,100 8s. 4d. raised by a tax on negroes' heads for the repair of the fortifications. *Balance, £1898 11s. 5d. Audited by the Committee of Accounts. Same endorsement. 4 pp.*
- 742. xiv. Estimate of the public debts of Barbados, by the Committee for settling the public accounts. *Debit, £27,731 3s. 0 $\frac{1}{2}$ d. Credit, £8540 11s. 3d. Signed, Wm. Leslie, Saml. Forte, Ralph Weekes, Robt. Bishop, Guy Ball, Will. Carter, Edmund Sutton, Jno. Waterman. Same endorsement. 2 pp.*

1718.

742. xv. Account of sale of the pirate ship *Blanco* and her cargo, by Henry Lascelles, Collector. *Same endorsement.* 2 pp. [C.O. 28, 15. Nos. 52, 52 i.-xv.; and (without enclosures) 29, 14. pp. 1-13.]

[Nov. 9.] **743.** Minutes of Commissioners of Contracts relating to the fortifications of Barbados, Nov. 1715, referred to in Mr. Lowther's letter of Nov. 9, 1718. *Endorsed*, Recd. 30th Dec., 1718, Read 30th Sept., 1719. 36 pp. [C.O. 28, 16. No. 3.]

Nov. 12. **744.** Mr. West to the Council of Trade and Plantations. *Reply to 7th Oct. and 6th Nov.* I do find that the title which Mr. Cooke doth claim to be in the Province of Massachusetts Bay in opposition to the right of H.M. to all trees fit for masts of the diameter of 24 inches and upwards at 12 inches from the ground growing within the Province of Main is founded upon a supposed purchase of the said Province of Main by the Province of the Massachusetts Bay of and from the assignees of Sr. Ferdinando Gorges the person to whom the said Province was originally granted from the Crown. King Charles I did incorporate the assignees of the patent which King James I did in the eighteenth year of his reign grant to the Councell established at Plymouth in the County of Devon by the name of the Governour and Company of the Massachusetts Bay in New England by which Charter the said King did *grant unto the said Corporation power to have take and possess acquire and purchase any lands tenements or hereditamts. or any goods or chattells and the same to lease or grant demise alien bargain sell and dispose of as other our liege people of this Our Realm of England or other Corporation or body politick of the same may lawfully doe.* In the 15th year of K. Charles I the Province of Main was granted to Sr. Ferdinand Gorges his heirs and ass^s. which province did descend unto Ferdinando Gorges son and heir of John Gorges who was son and heir of the sd. Sr. Ferdinando Gorges which Ferdinando Gorges did in 1677 in consideration of £1250 give and grant all his right and title in and to the said Province unto John Usher of Boston merchant his heirs and ass^s. But whether it was by way of absolute sale or way of mortgage doth not appear. And the said John Usher did in 1678 convey the same unto the said Corporation as appears by the printed Journall of the House of Representatives of that Province which was sent to me by Mr. Dummer their Agent. It may my Lords be made a question in Law whether that Corporation which was created by King Charles I could legally purchase the said Province of Main inasmuch as the clause of licence does goe no further then that they might purchas lands etc. as any other Corporation or Body politick in Engld. might lawfully doe and I take it to be clear Law that no Corporation whatsoever in England can purchase any lands which shall inure to themselves unless an express licence for that purpose be inserted in their Charter of Incorporation or otherwise. Yor. Lordpps. will be pleased to observe that this Corporation is by the Charter only subjected to the same laws as the Corporations

1718.

in England are and that there is no licence to purchase lands granted to them by express words. I need not observe to your Lordships, that nothing but express words is in Law sufficient to take away the King's prerogative. But indeed I should not have made use of any argument of this nature did I not think the Royall Prerogative in relation to the Navall Stores in America of the utmost consequence to the Kingdome and that therefore any advantage in point of Law ought to be taken wch. does not injure any private persons. But admitting that Corporation was fully enabled to purchase lands yet that Corporation is now extinguished for the patent 4^o Caroli primi was in 1684 reversed in Chancery by a judgmt. upon a scir. fac. and consequently the Province which was granted to that Corporation and all lands purchased by that Corporation were revested in the Crown and therefore the inhabits. of New England can be no otherwise entituled unto the Province of Main then by some new title which must have accrued unto them subsequent to their incorporation by King William wch. it is impossible ever should have been since there is no licence granted unto them to purchase lands in or by their last Charter. Their last Charter was granted by the late King William in the third year of his Reign in which Charter it is observable that there is not only a variation in the name of incorporation but in the thing itself. And so far is the old Corporation from being revived that by this Charter they are not so much as erected into a Corporation or Body Politick so as to be able to sue or be sued etc. but the very termes of the Charter are that the King does erect and incorporate the severall countries menconed in the patent into one Reall Province by the name of *Our province of the Massachusetts Bay in New England*. It is plain to a demonstration that King William did at the time of granting this patent consider all the countries therein named and particularly the Province of Main as vested in himself in the right of his Crown and therefore he does unite and incorporate all those countries which were before severall and distinct, into one Real Province and does then grant all the lands included in that Province unto the inhabits. of the Province of the Massachusetts Bay in wch. denomination and grant the inhabitants of the Province of Main etc. are as much included and concerned as grantees as the inhabitants of that part of the countrey which was originally and singly known by the name of the Massachusetts Bay. All these Provinces therefore are now to be considered as one neither is it possible that one part of the Province should be the private property of another. It is true that the King does grant a power unto the Generall Assembly of the said Province to make grants of lands uncultivated lying within the bounds described in and by the Charter. But that grant does no ways extend to one part of the Province more then another but is equall to them all and is therefore subject to the last clause in the Charter by wch. all trees of the beforemenconed size are reserved to the Crown and consequently the Generall Assembly of that Province cannot make any grant of lands to private persons without their being subject to that clause of reservation.

1718.

The Act of Parliament nono Annæ page 387 extends no further then the reservation in the Charter does only that Prerogative wch. before subsisted singly on the Charter is now confirmed and established by authority of Parliament. And therefore upon the whole matter I am of opinion that the King is legally entituled to all trees of the prescribed size growing in the Province of the Massachusetts Bay as it is described and bounded in the Charter of King William and particularly in the Province of Main excepting only those trees scituated on lands wch. were legally granted to private persons before the Charter 4^o Caroli primi was reversed. *Signed*, Richd. West. *Endorsed*, Recd., Read 14th Nov., 1718. 5½ pp. [C.O. 5, 867. No. 17 ; and 5, 915. pp. 225-230.]

Nov. 13. **745.** Council of Trade and Plantations to the King. Recommend John Yeamans for the Council of Antigua etc. [C.O. 153, 13. pp. 375, 376.]

Nov. 14. **746.** Receipt by Francis Carlile for Commission to pardon pirates to be delivered to Governor Hamilton. *Signed*, Fran. Carlile. *Endorsed*, Recd. 14th Nov., 1718. *Slip*. [C.O. 152, 12. No. 114.]

Nov. 14. **747.** Mr. Popple to Sir W. Thompson. *Encloses* copy of Governor Dudley's Commission, whereupon eight persons have been indicted for piracy etc. The Council of Trade and Plantations desire your opinion whether the said Commission did become void upon her Majesty's demise or before the said tryals, and in that case, as the persons who acted as Judges therein proceeded with a good intention, what methods may be proper to be taken for indemnifying them from such penalties as they may by Law have incurred. [C.O. 5, 915. p. 224.]

Nov. 14. **748.** Council of Trade and Plantations to the King. Propose repeal of Act of Jamaica, 1716, for the effectual discovery of all persons that are disaffected to H.M. etc., on grounds advanced by Sir N. Lawes, v. 1st Sept. [C.O. 138, 16. pp. 146-148.]

Nov. 14. **749.** Mr. Secretary Craggs to the Council of Trade and Plantations. Enquires if they have any objection to William Pusey, recommended for the Council of Jamaica in place of Mr. Harrison decd. *Signed*, J. Craggs. *Endorsed*, Recd., Read 18th Nov., 1718. ¾ p. [C.O. 137, 13. No. 18 ; and 138, 16. pp. 148, 149.]

Nov. 14. **750.** *Same to Same.* Refers following for their report. St. James's. *Signed*, J. Craggs. ¼ p. *Enclosed*,

750. i. Petition of Fernando de Costa and son and Isaac Paxotto, on behalf of themselves and divers other merchants, to the King. Petitioners by their factors in Jamaica bought £7000 of indigo and shipped it on board the *Nassau*. It was seized by the Custom House Officers, supposed to be of the growth of Hispaniola,

1718.

though the same way of trade has been before and since this seizure *etc.* The indigo was sold, with a share to Peter Heywood, then Governor, and others by his order, without any legal condemnation, for there was no Court of Admiralty capable of being held there at that time. Indigo is most necessary for the woolen manufacture ; our Islands produce but very small quantities, and none coming from the East Indies, from whence they were mostly supplied. Petitioners' factors will be deterred from appearing in petitioners' behalf by dread of a by law of that Island made (but not confirm'd by your Majesty) inflicting £500 penalty and 12 months imprisonment without bail or main-prize upon any person that shall appear upon the importation of indigo from Hispaniola *etc.* Pray H.M. directions in their behalf. *Endorsed, Recd. (from Mr. Bravo) 20th, Read 21st Nov., 1718. 1 p.*

750. ii. Opinions by Richard West upon the case of the *Nassau* supra. 17th June, 1718. *Signed, Richd. West. 2 pp.*

750. iii. Copy of Act of Jamaica for ascertaining ports of entry *etc.* 1714. $2\frac{1}{2}$ pp.

750. iv. Copy of Act of Jamaica, 1715, to prevent all fraudulent trade to Hispaniola *etc.* 2 pp.

750. v. Copy of Act of Jamaica, for raising a revenue, laying a tax of 1s. 6d. per lb. on indigo imported. 1 p. [C.O. 137, 13. Nos. 19, 19 i.-v.]

Nov. 16.
Dragon in
Lisbon River.

751. Commodore Scott to Mr. Popple. *In pursuance of Instructions of the Council of Trade etc.* upon my arrival in Newfoundland it was my chief care to find out the cause of the success [of the *New Englanders* who yearly carry away at least 1000 men] *etc.* And being inform'd that it was customary for creditors, before the fishing season was near an end, to seize upon the planters and boatkeepers fish ; I concluded that thereby the servants must be disappointed of their wages, discouraged from continuing their labour, and laid under a necessity of embracing any offers whatever ; I therefore sent directions to the fishing Admirals of the several harbours, to prevent so illegal and unfair a practice, and neglected no opportunity of recommending to them the encouragement of fishermen, which I doubt not, was in some measure an occasion of more men's returning to England this year, than for several years past : But that which I believe contributed most to it, was the fear I possess'd the New England masters with, of a rigorous prosecution from their Lordps. in case they should entice or entertain any men from Newfoundland, contrary to an Order which I sent them *etc.* (No. ii.). Pursuant to their Lordps.' commands I likewise oblig'd such of them, as were in the harbour to sail with the convoy, and others who wanted to depart before it, to enter into bonds of £500 *etc.* When I left St. Johns, I gave it in charge to Mr. Collins there, to make strict enquiry if any of these masters had incurred the penalty,

1718.

and to communicate his information to their Lordps. that they might give the necessary directions for their prosecution ; and if one forfeiture were exacted, it is my humble opinion, that their Lordps. would be for ever after, freed from the trouble of receiving complaints of this kind : for which reason I think myself oblig'd to mention Edmond Freeman, master of the *Harwich* sloop, who the next day after he had signed his bond, sailed from St. Johns, and contrary to his obligation received on board 19 men, which as I was inform'd he had encourag'd to wait for him, and Thomas Maddock and Samuel Brixham bye boat keepers carry'd off to him from Cape Spear : but they being return'd for England before I had any intelligence of it, I could not after the strictest search, find any persons, who were aiding to them, or that could make such a circumstantial and positive declaration upon oath as would have been sufficient : however, they living at Brixham in Devonshire, their Lordships may receive their evidence *etc.* This is not the only thing which craves a redress, for in answer to 5th and 9th Articles of their Additional Instructions, I desire you to lay before the Board that, the people of Newfoundland are chiefly supply'd with their provisions from the Plantations, from whence also are brought such large quantities of rum, molosses and tobacco, as to be afforded at very low rates, whereby the fishermen are tempted to idleness and debauchery : But that which I would more particularly represent is the clandestine and illegall commerce, carry'd on between the New England men, and severall of the British masters, especially the fishing admirals who (after they have according to the Act of Parliament qualify'd themselves in England for fishing ships) depart for France, Spain, or Portugall, where they freight with wines and brandys, which early in the year they carry directly for Newfoundland, and either dispose of to the planters, or barter with the New England men for the produce of the Plantations ; by this means Newfoundland is not only supply'd with these foreign European commodities, but it is become a mart, from whence the other American Plantations are (in fraud of H.M. dutys) in a good measure furnish'd. If the Officers of the Customs in these Plantations would look narrowly after the ships, which use the Newfoundland trade they might give some discouragement to this traffick, *etc.* As these Admirals are chiefly concern'd in this unfair commerce, so their tyranny and oppression in the harbours where there are none of H.M. ships, is not to be reckoned among the least causes of the decay of the fishery, those who labour in it having learn'd by experience that the rule of their decisions is their private interest, and that fishermen are not to expect any justice from them : this contributes to the scarcity of men, which occasions wages to be so extravagant that the fish which they catch is often not sufficient to pay the servants, and the inhabitants, and the inhabitants are thereby so much discourag'd that there have not been half the number of boats employ'd by them as formerly. Another great disadvantage which the fishery labours under proceeding from the countrey's being, during it's long winter without the least form of Government or order, it

1718.

would be of considerable service, if some of the inhabitants were entrusted with Commissions of the Peace for the administration of justice during that season, and as their Lordps. commanded me to make enquiry if any persons in Newfoundland, were fitly qualify'd for the preserving of order, I think myself oblig'd to recommend William Keen merchant, and John Collins planter in St. Johns; the first, though a native of New England, seems to have a real concern for the prosperity of the fishery *etc.*, and has spirit enough for reforming severall disorders that have been the unavoidable consequences of want of government, *etc.* As there were a great many French employ'd in catching of core fish upon the Banks, which they carry directly to France, so they had 6 vessels in Petit Nore, and it's neighbouring harbours, where for some years they have assum'd to themselves the liberty of leaving their boats untill the succeeding year, which I sent orders to the inhabitants of Bonnavist to destroy if they continue the practice. *Reply to Article 4 of Instructions.* The people to the northward of St. Johns, after the codd fishing, follow the furring and seal oyl trades with industry and success insomuch that these two last winters by less than 200 persons belonging to Bonnavist, there was made 130 tun of oyl, and £3000 clear'd for furs, and were it not for the scarcity of servants those trades might be improv'd to a very great degree: The Northern Bays abounding with beavers, otters, and foxes, as well as seales. And to the northward of Cape Bonavist there are severall fine rivers capable of employing some hundreds of men in the salmon fishing which lyes unimproved: the last season there was 200 teirces of it catch'd by only five persons. *Signed, Tho. Scott. Endorsed, Recd. 16th Feb., Read 9th April, 1719. 2½ pp. Enclosed,*

751. i. Copies of bonds in £500 by 3 masters, Tho. Thompson, Edmond Freeman and John Stevens, of New England vessels, not to carry from Newfoundland any but their own ships' complement *etc.* H.M.S. *Dragon.* Oct., 1718. *Endorsed as preceding. 3 pp.*
751. ii. Order by Commodore Scott to masters of New England vessels not to carry away men from Newfoundland, but to be in readiness to sail with H.M. ships against 5th Oct. H.M.S. *Dragon*, St. Johns, 20th Sept., 1718. *Same endorsement. Copy. 1 p.*
751. iii. Scheme of the Fishery of Newfoundland (1718). Fishing ships, 95; sack ships, 35; ships from America, 26. Burthen of fishing ships, 7902 tons; number of men belonging to the ships, 2079. Fishing ships' boats, 326; bye boats, 185; inhabitants' boats, 393. Boatmen; masters, 242, servants, 1398. Quintals of fish made by fishing ships, 36,058; by bye boats, 23,310; by inhabitants' boats, 41,455. Fish carried to market, 92,730 quintals. Train, made by fishing ships, 604; by bye boats, 326; by inhabitants' boats, 645. Number of stages, 320. Inhabitants; men, 2493; women, 304; children, 517. *Same endorsement. 1 p. [C.O. 194,*

1718.

6. Nos. 59, 59 i.-iii.; and (without enclosures) 195, 6. pp. 491-497.]

Nov. 17.
Whitehall.

752. Mr. Secretary Craggs to the Council of Trade and Plantations. Francis Carlisle being recommended to H.M. as a person very fit to be of the Council of Antego, in the room of Mr. Thomas deceased, *desires to know whether they have any objection etc.* Signed, J. Craggs. Endorsed, Recd., Read 18th Nov., 1718. 1 p. [C.O. 152, 12. No. 15.]

Nov. 17.
St. James's.

753. Same to Same. Refers following for their report *etc.* Signed, J. Craggs. Endorsed, Recd., Read 20th Nov., 1718. $\frac{1}{4}$ p. Annexed.

753. i. Petition of Abel Alleyne, Samuel Cox, Timothy Alleyne and John Whetstone and 15 others to the King. The passage from Barbados to Martinique is short and easily performed in small boats, whereby negro slaves run away, are stolen by sailors, or driven away in boats by stress of weather *etc.* The regulation for their restitution instituted by the French King is to apprehend all such and them to keep for the French King, but to restore them to H.M. subjects upon their produceing a letter of claime from H.M. Governor. The Marquis D'Fanquier, General of the French Islands is ready to restore their respective slaves to petitioners, upon receiving such letter from Governor Lowther, but he has absolutely and peremptorily refused to write any letter or make any application whatsoever to the Governor of Martinique. *Pray for H.M. directions to Governor Lowther etc.* 2 pp. [C.O. 28, 15. Nos. 39, 39 i.; and 29, 13. pp. 480-484.]

Nov. 19.
Whitehall.

754. Council of Trade and Plantations to Mr. Secretary Craggs. In reply to 17th Nov. refer to No. 745. Will propose Mr. Carlisle upon the next vacancy *etc.* [C.O. 153, 13. pp. 377, 378.]

Nov. 19.
Whitehall.

755. Mr. Popple to Mr. Lowndes. Encloses copy of Mr. West's opinion [12th Nov.], whereby H.M. title to the woods is fully asserted. *Continues*:—And as the Council of Trade and Plantations do intirely agree with Mr. West in his opinion upon this matter, and are highly sensible of how great consequence it is to the Royal Navy, that the powers and instructions formerly given to Mr. Bridger for the preservation of H.M. woods in America, should be duely obeyed and executed, they do conceive, it may be for H.M. service that he should be pleased to order that a copy of Mr. West's report should be sent to Governor Shute, and that he be directed to communicate the same to the Council and Assembly of that Province, together with H.M. resolution to be punctually obeyed in a matter of so great consequence to these Realms. And if these directions should not produce the effect that might be expected from them, their Lordps. are of opinion it would in such case be adviseable to bring a scire facias

1718.

against the Charter of the Massachusetts Bay. [*C.O.* 5, 915. *pp.* 230–232.]

Nov. 19.
Whitehall.

756. Council of Trade and Plantations to Mr. Secretary Craggs. *Reply to Nov. 14.* Mr. Pusey having been recommended to us, we have given directions for enquiry to be made into his character *etc.* [*C.O.* 138, 16. *pp.* 149, 150.]

Nov. 20.
Whitehall.

757. Mr. Secretary Craggs to the Council of Trade and Plantations. Encloses following for their opinion thereupon. *Signed*, J. Craggs. *Endorsed*, Recd. 21st Nov., Read 5th Dec., 1718. $\frac{1}{2}$ *p.* *Enclosed*,

757. i. Address of House of Burgesses of Virginia to the King, 27th May, 1718. Copy of *No.* 568 iv. [*C.O.* 5, 1318. *Nos.* 52, 52 i.; and (*without enclosure*) 5, 1365. *pp.* 171, 172.]

Nov. 24.
Admty. Office.

758. Mr. Burchett to Mr. Popple. Encloses following. *Signed*, J. Burchett. *Endorsed*, Recd. 24th Nov., 1718, Read 9th April, 1719. *Addressed*. $\frac{1}{2}$ *p.* *Enclosed*,

758. i. Commodore Scott to Mr. Burchett. *H.M.S. Dragon*, Lisbon, 8th Nov., 1718. On 17th Oct. I sailed from Newfoundland with *H.M.S. Rye* and 18 merchant men: Tho' we had no certain intelligence of the rupture with Spain, yet we had such rumors, as made me appoint Lisbon for the place of rendezvous *etc.* The ships design'd for the Port of Spain, intend now to go to Italy, not finding a market here for their fish, where I shall proceed with them *etc.* *Concludes with copy of No.* 751. *Copy.* $3\frac{1}{2}$ *pp.*

758. ii. Duplicate of *No.* 751 iii. [*C.O.* 194, 6. *Nos.* 60, 60 i., ii.; and (*with enclosure ii. only*) 195, 6. *p.* 498.]

Nov. 24.
Rhode Island.

759. Nathaniel Kay to Mr. Popple. When I had the honr. to waitt on you about 4 months since att the Cockpitt, I crav'd the favr. to know whether the order was sent to the Charter Governmts. that restrain'd the severall Governmts. in the Plantations from putting laws relating to trade in execution; before they were confirm'd in England: and you were pleas'd to acquaintt me they were. I being the Collectr. appointed by the Hon. Commrs. of *H.M.* Customes for this Governmt.; think itt my duty to acquaintt; they have not receiv'd any account of such an order here; and as I have been inform'd not in our neighbouring Colony of Connecticutt. And severall laws being made there, wch. 'tis humbly conceiv'd, are repugnt. to the Laws of Trade made in England relating to the Plantations; as laying on of duties, and obliging the King's subjects of other Governts. to pay them; and curtailing the trade by obliging the King's liege subjects in bond, to carry the produce of that Governmt. to certain places of trade limited by their own Acts, and abusing the King's Officers by laws wch. are repugnt. to the Laws of Trade made for the plantations; and if order'd to be sent home, w'd treat the officers in another manner; and allso These matters giving greatt

1718.

discouragemt. to trade in generall, and many of H.M. subjects in this Colony having suffer'd very much by such laws; and as likewise a flourishing trade might be carried on between the severall Governmts. of H.M. Plantations: I pray you will signifie the King's Order to these Governmts. *etc.* *Signed*, Nath. Kay. *Endorsed*, Recd. 22nd Jan., Read 11th June, 1719. 2 pp. [C.O. 5, 1265. No. 122; and 5, 1293. pp. 176, 177.]

Nov. 25. **760.** H.M. Warrant for affixing the Great Seal to Commissions
St. James's. to John Hunter, Commander of the *Sunderland*, and John Ricard, Commander of the *Borneo*, for seizing pyrates, freebooters and sea-rovers *etc.* *Countersigned*, J. Craggs. *Copy.* [C.O. 324, 33. p. 190.]

Nov. 26. **761.** Mr. Secretary Craggs to the Governor of the Leeward
Whitehall. Islands, or in his absence the Lt. Governor of Antegoa. Sir Edmund Prideaux owner of three fourth parts of the ship the *Three Maries* lately stranded at Antegoa, having given a power to Philip Darby of that Island, to recover his $\frac{3}{4}$ th. parts of what the hull and appurtenances of the said ship were sold or agreed for, I am to desire you will give him all the necessary assistance *etc.* *Signed*, J. Craggs. [C.O. 324, 33. p. 189.]

Nov. 27. **762.** Richard Coope to Mr. Popple. The Proprietors of the
Cockpit. Nevis and St. Christophers debentures, designing to apply to Parliamt., to procure provision for the same, and there being some sufferers who have not had debentures issued, because they did not settle on the Island where they sustain'd their losses, and others, who are under ye same circumstances, for omitting to comply wth. some things required by Act of Parliamt., desire a list of the sd. sufferers and the loss which was allowed ym. *Signed*, Ri. Coope. *Endorsed*, Recd. 27th, Read 28th Nov., 1718. *Addressed.* 1 p. [C.O. 152, 12. No. 116.]

[Nov. 27.] **763.** List of 31 negroes and their owners stolen, run away or driven by stress of weather from Barbados to Martinique in 1717, 1718. (v. 11th Sept., 1717, and 17th Nov., 1718.) *Endorsed*, Recd. (from Tho. Tryon, Mr. Gordon *etc.*), Read 27th Nov., 1718. 1 p. [C.O. 28, 15. No. 41.]

Nov. 27. **764.** Mr. Popple to Mr. West. *Requests* his opinion upon
Whitehall. 3 Acts of New Jersey *etc.* (v. 11th Dec.) passed 1714, and an Act passed in 1717 for the better enforcing an order of H.E. *etc.* *Encloses* memorial of Mr. Smith, Secretary of New Jersey, and extract from Governor Hunter's letter 12th Nov., 1715. [C.O. 5, 995. pp. 449, 450.]

Nov. 28. **765.** Council of Trade and Plantations to the King. *Recom-*
Whitehall. *mend* William Pusey for the Council of Jamaica *etc.* (v. 14th Nov.) [C.O. 138, 16. p. 151.]

1718.
Nov. 28. **766.** *Same* to Mr. Secretary Craggs. Informing him of preceding representation. [C.O. 138, 16. p. 152.]
Whitehall.
- Nov. 28. **767.** Council of Trade and Plantations to Mr. Secretary Craggs. *Reply to* Nov. 17th. Mr. Micklethwaite, one of the Agents of Barbados, suggests that the Governor's refusal of petitioner's request, might have proceeded from his care to avoid and discourage all pretence of carrying on a clandestine trade with the French Plantations in accordance with his Instructions of May, 1717 *etc.* But if he has no other reasons, we are humbly of opinion that H.M. may be graciously pleased to direct him to comply with their request, provided his letter to reclaim the negroes be sent by a messenger of his own and that particular care be taken, that no illegal trade be carried on with the French settlements under this pretence. *Autograph signatures.* 2 pp. *Enclosed,*
767. i. List of negroes lost from Barbados to Martinique, 1717, 1718. 1 p. [C.O. 28, 39. Nos. 6, 6 i.; and (without enclosure) 29, 13. pp. 485, 486.]
- Dec. 3. **768.** Order of King in Council. Appointing William Pusey to the Council of Jamaica (*v.* Nov. 28th). *Signed,* Robert Hales. *Endorsed,* Recd. 23rd, Read 24th Jan., 171⁸₉. 1 p. [C.O. 137, 13. No. 21; and 138, 16. pp. 157, 158.]
St. James's.
- Dec. 3. **769.** Order of King in Council. Appointing John Yeamans to the Council of Antigua (*v.* 13th Nov.). *Signed,* Robert Hales. *Endorsed,* Recd. 23rd, Read 24th Jan., 171⁸₉. 1 p. [C.O. 152, 12. No. 126.]
St. James's.
- Dec. 4. **770.** Mr. Byrd to the Council of Trade and Plantations. I understand it has been propos'd to your Lordps. from Virginia, to remove several members of H.M. Council there. *Prays that* nothing may be determined in their prejudice, "till they have had a copy of their accusation, and been favour'd with the common liberty of justifying themselves" *etc.* *Signed,* W. Byrd. *Endorsed,* Recd. 5th, Read 10th Dec., 1718. 1 p. [C.O. 5, 1318. No. 54.]
- Dec. 5. **771.** Mr. Popple to Jeremy Dummer. The Council of Trade and Plantations desire to see the powers by which you act as Agent of the Massachusetts Bay in order that they may be entered in this Office.
N.B. The same letter was writ to the Agents of N. Hampshire, Antegoa, Virginia and New York. [C.O. 5, 915. pp. 237, 238.]
Whitehall.
- Dec. 5. **772.** Mr. Popple to Mr. Joshua Gee. The Council of Trade and Plantations desire you would bring the Laws of Pensylvania, *referred to by Lt. Gov. Keith 2nd June,* to them as soon as may be in order to be laid before H.M. [C.O. 5, 1293. pp. 159, 160.]

1718.

Dec. 5.

773. Grant by the Lords Proprietors of Carolina of four baronies of 12,000 acres each to John Danson, at a pepper corn rent. *Signed*, by order, Ri. Shelton, Secry. *Copy*. [C.O. 324, 49. p. 120.]

Dec. 6.
St. James's.

774. H.M. Warrant appointing William Pusey to the Council of Jamaica in the room of Thomas Harrison decd. *Counter-signed*, J. Craggs. *Copy*. [C.O. 324, 33. p. 192.]

Dec. 6.
St. James's.

775. H.M. Warrant appointing John Yeamans to the Council of Antegoa in the room of Col. William Thomas decd. *Counter-signed*, J. Craggs. *Copy*. [C.O. 324, 33. p. 191.]

Dec. 6.
Boston.

776. Mr. Willard to Mr. Popple. *Encloses* Minutes of Council from 1st Sept., Journal of Assembly from 18th May, and 13 Acts of the Massachusetts Bay, May, 1718. *Continues* :— I should give a better dispatch to those affairs, if the Assembly or the profits of my office would allow me any assistance *etc.* The last Sessions ended two days agoe *etc.* *Signed*, Josiah Willard. *Endorsed*, Reed., Read 29th Jan., 17¹⁸. 2 pp. [C.O. 5, 867. No. 25 ; and 5, 915. pp. 243, 244.]

Dec. 17.
Rio Essequibe.

777. H. Gelsherke to the Directors of the Dutch West India Company. *Signed*, H. Gelsherke. *Endorsed*, Read 24th April (N.S.), 1719. *Dutch*. 2 pp. *Enclosed*,

777. i. Order by Governor and Council, 22nd Sept., 1718. *Dutch*. 2½ pp. [C.O. 116, 21. Nos. 160, 160 i.]

Dec. 17.
Rio Essequibe,
opt Luys
Naby.

778. Commander Van der Heyden Rézen to the Directors of the Dutch West India Company. *Signed*, Pr. Van der Heyden Rézen. *Endorsed*, Read 24th April (N.S.), 1719. *Dutch*. 2 pp. [C.O. 116, 21. No. 161.]

Dec. 9.

779. Copy of Minute of Council of Virginia, 16th Aug., 1705, nominating Col. Blackiston Agent to solicit the affairs of this country. *Signed*, Willm. Robertson, Cl. Con. *Endorsed*, Reed., Read 9th Dec., 1718. 1 p. [C.O. 5, 1318. No. 53.]

Dec. 9.
Whitehall.

780. Council of Trade and Plantations to Mr. Secretary Craggs. Understanding that H.M. in Council has order'd, that general reprisals be granted against ye ships goods and subjects of the King of Spain for reparation of the losses unjustly sustain'd by H.M. own subjects from the violent and arbitrary proceedings of ye Spanish Government, and being likewise inform'd that H.M. has directed one of His ships of war forthwith to sail to the West Indies with Orders to the several Governors there, relating to our present situation with Spain ; we thought it might be of advantage to H.M. service, that he should be pleased to enlarge the time formerly granted for the pardoning pirates in the West Indies, lest they should be tempted to enter into the Spanish service, from whence great detriment might ensue to the trade of these Kingdoms. In case H.M. shou'd approve of our proposals upon

1718.

this subject, it may be necessary, that H.M. orders for this purpose shou'd be dispatch'd to the sevl. Governors of ye Plantations by the very first opportunity and if possible by the man of war, now under sailing orders. [*C.O.* 324, 10. pp. 209, 210.]

[Dec. 9.] **781.** Memorial of William Penn, Proprietary and Governour of Pensilvania and several of his Friends in behalf of the people of that Province, to the Council of Trade and Plantations. *Submit for their favourable report to the King laws past in 1713 and 1715, with reasons for passing them, notably :* (i.) The Act for *impowring religious Societies to buy, hold and enjoy lands and tenements* (1715). The true reason of this Act was to encourage in an infant Colony where there was no endowments, the building of hospitals, churches, and other places, for religious worship, and Charity schools, for educating of youth etc., without any other view, that wee can understand, but that, if any lands, or tenements etc. are, or shall be given to such pious uses, they shall in such case be applied to that use etc. (ii.) An *affirmation Act* (1715) for such who for conscience sake cannot take an oath, being the same with that used in Great Britain. True it is, an Act of the same nature, with this, may before, have been transmitted, to the Lords of Trade, which, had not, the Royal approbation. And that, thereupon, an intire failure of Justice ensued, in Pensilvania, for want of Magistrates, that would administer, and officers, juries etc. who could, in conscience, take an oath, so greatly, doth the number of the people called Quakers, exceed that, of all other perswasions, in that Province. Wherefore the Assembly found themselves, indispensably bound, in duty to the King, for the reviving, a due administration of Justice, in that Collony, to make this Act, and William Penn and his friends desire, the Lords of Trade, will be pleased, in their report of the Laws, to mention these facts, to the King. And that, his Dissenting subjects, in Pensilvania called Quakers, quitted England, their native countrey, to be freed from the imposition of oaths, and other matters, which they, in their conscience, could not comply with, and transplanted themselves into a wilde, uncultivated country, inhabited by salvages, where, they have, by their industry added, a flourishing Collony, to the British Empire, in that part of the world, to the mighty benefitt of the Kingdom of England, by the increase of Trade, and Navigation, in the great number of shipping they employ, and the vast quantities of manufactures, of that growth, which they consume. And all this, in hopes to enjoy, that liberty abroad, they were denyed, by the laws at home. And which was, the intent of King Charles the Second. For he in his Charter to William Penn, grants him power, with the consent of the inhabitants, to enact such laws, as might secure to them, their civil, and religious rights, and liberties. And these powers, were looked upon, at that time of day, to be so large and extensive, that for fear, they might be interpreted, to have vested, the people called Quakers, in whom, the Government of Pensilvania, by that Charter, was designed to be lodged, to hinder the exercise of any other, manner of

1718.

religious worship, different from their own. Therefore Mr. Penn was tyed down, by a clause in that Charter, to admitt any minister, sent over by the Bishop of London, to exercise, his ministerial function, in that Province, so that, from thence, we may rationally conclude that, William Penn, and those of his perswasion, were by that Charter, left at liberty, to enact such laws, as might best secure them, from those burthens, and tyes, at that time of day, upon their consciences, by the laws of England, which they complain'd off. For if, without that clause, they would have been at liberty, to impose upon others, they must at the same time, most certainly, have been design'd, to be left free, themselves. And as it doth not appear, that these religious, and industrious people, have done anything, to forfeit the rights, and liberties, they claim, by that Charter, and have by virtue thereof, been possessed off, so many years. It cannot therefore, but be esteemed greatly, to tend to their discouragement, who are of unquestionable loyalty to King George, to be deprived of them, in a reign, they could not but promise themselves at least, as much happiness, as in any other, and thereby, be left in a state of anarchy, and confusion, which will be the consequence, of repealing this Affirmation Act. The penalties for falsly affirming, being made the same in this Act, with those, in cases of corrupt and wilfull perjury, will, therefore, we believe, have the same effect. *Pray for a favourable report to the King, for his Royal assent, for thereupon depends the great happiness of Pensilvania.* (iii.) *Act for the recovery of fines, and forfeitures, due to the Governour and Government.* This Act was made to enforce, the duly estreating, levying, and paying, into the provincial Treasury, all fines and forfeitures design'd, and which ought to be apply'd, towards defraying, the charges of supporting the Government, so that they might goe, and be applied to those uses. This is a case, so necessary, to be taken care off, in all Governments, that, the Assembly, promised themselves success, in having this bill pass'd. *Query in margin:* Whether this Act can pass without prejudice to ye contract made in ye late Queen's time for Mr. Penn's resigning ye Governmt., whereby 'tis probable that ye fines and forfeitures were likewise to be resign'd to ye Crown. (iv.) *An Act for assigning of bonds etc.* This Act was made, for facilitating, and increasing of trade and commerce, in a country, from whence, all their money is drained, by their trade, with Great Brittain, which, we presume, will be a good reason, for passing the same. (v.) *An Act for acknowledging, and recording of deeds.* In this Act the Assembly have endeavored to remove, such objections, as were made, against a former bill, of this nature, and experience, having made appear, the great conveniency thereof, and a certainty to purchasers, in their titles, by this method, of recording all deeds, so we desire it may be ratified. (vi.) The Act for such as refuse to take the solemn Affirmacon used in Great Brittain is the same, with the Affirmation Act, before mentioned, saving, the name of God, is not made use of therein, the reason whereof is, that there are, a considerable number of scrupulous conscientious people, who dare not make

1718.

use of, the sacred name of God, on such occasions. The penalties in this Act are, made the same, as in the before mentioned Affirmation Act *etc.* (vii.) An Act *for continuing a friendly correspondence with the Indians.* The whole intent of this Act is, to prevent the Indians being imposed upon, or abused in trade, or otherwise, by ill minded persons. Which experience hath shown, is impossible to prevent, if all manner of persons, without some restrictions, and regulations, should be suffered to trade, and live amongst the Indians. The fatal effects whereof, some of the English neighbouring Collonies, have felt, in the late warrs, with those salvages, by the loss of great numbers of Christians killed, and their houses, plantations, goods, and cattle burnt, destroyed, or carried away, by those heathen. These dreadfull mischiefs might probably have been prevented, had care been taken, to observe, some such like means, as is proposed, in this Act, in treating and dealing with the Indians honestly. And which is, what hath hitherto preserved a friendship, between them, and the Christian inhabitants of Pensilvania, insomuch, that although the Indians, have had warrs, with all our neighbouring Collonies, yet have they not hitherto, had any quarrel with us, nor have we lost the life of any one Englishman, by their means, from the settlement of the Collony, to this day, that we know, or have heard of. This Act, therefore being of such consequence, for securing the peace, and tranquillity of that country, and the same, to continue, for no more, than three years, merits from the Lords of Trade and Plantations, a favourable report to the King, that it may have the Royal fiat. (viii.) An Act *for better determining of debts, under forty shillings, and laying aside the two weeks Court in Philadelphia.* The two weeks Court, not answering the ends propos'd, but on the contrary, the manner of executing it, by the magistrates and officers, of the City of Philadia., proving chargeable, and inconvenient, Therefore this Act, upon complaint thereof, made, takes it clear away, and provides an easier method, for recovering such small debts, by lodging that power, in the breast, of a Justice of Peace, who is, to determine the same, in a summary way with little expence to the parties. (ix.) An Act *for erecting a supreme, or Provincial Court of law and equity.* This Court, is not a novelty in Pensilvania, any more, than in any, of the rest of the King's Plantations. This Act, being rather made, to rectifye, and amend the proceedings of the antient Provincial Court, and make the practice thereof, more conformable, to the methods used, in the Courts, at Westminsterhall. And as to the hearing causes by Appeal, writs of error, certiorari *etc.*, they are things, that have been long practised, in that Government, as well as, in other Supreme Courts, throughout all, or most of the Plantations, by laws made for that purpose, and those laws, ratified by the Crown, so that, we hope, this Act, will have the Royal assent to it. (x., xi.) Acts *for settling the Court of Common Pleas, and for ascertaining the practice of the Courts of Judicature.* In framing these Acts the Assembly have advised, with the most learned in the law, in that Province, and followed their opinion, in settling the

1718.

method, and practice of the Courts, as near, as could be done conveniently, according to the course of proceedings, in the Courts at Westmr. *etc.* (xii.) An Act *for raising a supply of one penny per pound, and four shillings, per head, and for reviving other Acts.* The intent of this Act being to raise a supplye, for the support of Government, makes the same to be, in the nature of a money bill, in Parliamt., wherein the people, who grant it, raise it, amongst themselves. Acts of this kind, being necessary, and frequent, in all Governments, and without which, none can subsist, Therefore, we desire, this bill may pass the Royal assent, There are severall penalties in this bill, upon transgressors thereof, which goe one half to the Governor, for the support of Government, and the other to the informer. (xiii.) An Act *for regulating and establishing fees.* An Act bearing the same title with this Act, it's true, was, formerly repealed, But for no other reason, save only that, it depended on an other Act, at that time likewise repealed, so that, had it pass'd, at that time, with the Royal assent, it could not, have been of any use, the matters thereof, being so interwoven, and depending, so much on the other. But that objection, being now removed, we doubt not but that, this bill, will have the Royal assent *etc.* (xiv., xv.) An Act *for laying a duty, on wine, brandy, and other spirits, cyder, and hopps imported,* and an Act *for laying a duty on negroes imported.* These two, are Acts, wherein likewise the people, by their Representatives, mett in Generall Assembly, have agreed, to raise[s] money upon themselves, to supplye the publick exigences of the Government, in such manner, as after a mature deliberation, they thought, would not be burthensome there, or unacceptable at home, Particularly, in the Act *for laying a duty on negroes,* they have endeavoured to remove, and take off, the former objections to that Act. Wherefore, we hope now no more difficulties will be started, to hinder, these two Acts, having the Royal assent. There are, in these two Acts also, severall penalties, that goe one half, to the Governour, for the support of Government, and the other half, to the informer, as is usuall in such Acts. For these, and the severall other reasons aforemenconed, William Penn, and his friends doe, in behalf of the people of Pensilvania, lay before and recommend, the two parcells of laws, to the Lords of Trade and Plantations, that they would be pleased, favourably to report them to the King, for his Royal sanction, on which, intirely depends the future happiness of that Collony, for without that sanction, the Country must fall into the utmost anarchy, and confusion, for want of a due administration of Justice, wee not being able there to find persons enough, who can in conscience give, or take an oath, to serve as Magistrates, juries *etc.* *Endorsed, Recd., Read 9th Dec., 1718. 37 pp. Enclosed,*

781. i. Abstract of laws passed in Pennsylvania, 1712-1715.
Same endorsement. 32 pp. [C.O. 5, 1265. Nos. 109, 109 i.]

Dec. 9.
 Whitehall.

782. Mr. Secretary Craggs to the Council of Trade and Plantations. Encloses following for their report. *Signed, J.*

1718.

Craggs. *Endorsed*, Recd. 10th Dec., 1718, Read 10th Feb., 1718.
 $\frac{1}{2}$ p. *Enclosed*,

782. i. George Vaughan to Mr. Secretary Craggs. London, Nov. 29, 1718. *Encloses* following received this day. I was at Causo 10 or 12 miles to the westward of Cape Brittoon in Augt. last, and then all things was peaceable and quiet, the French and English fishing with all friendship and love, and the Indians thô numerous very ready to do all friendly offices, but I fear they are now exasperated, *etc.* *Signed*, Geo. Vaughan. *Copy*. 1 p.
782. ii. Nathaniel Shannon to George Vaughan. Portsmo. Oct. 22, 1718. But soon after comes the *Squirrel* man of war from Boston to break up and destroy (if I may say rather the English than) the French Fishery at Causo, which (after he had been to Cape Britton) on the 18th Sept. last he began like fury to do ; my vessell then happened to be at sea ; caused me to be but under poor circumstances to secure and get away what little fish and other effects I had, the disturbance grew so great in 2 or 3 days, that I fear'd to lodge in my house, but left it for severall nights to the generosity of the (then) theivish French and Indians, at last on a Sabbath day I sold, and was forced to weigh of my dry fish *etc.* On 26th Sept. the Fleet sail'd for Boston together with a brig. and Sloop, two prizes taken from the French, the former had a thousand quintalls of fish ; the French Admiral had his ship given again but all his fish and wine and brandy *etc.*, and he carried to Boston a prisoner *etc.* I tarry'd with six vessells 7 days after the Fleet. We are all bent (with three times the number before) upon going another year, hourly expecting Col. Phillips with forces to garrison there. Advise me pr. first how this action is approved of at home, and whether any care is like to be taken for its care and settlement. The French would have had 40 sail there next year, was it not for this rout. *Signed*, Nathaniel Shannon. $1\frac{1}{4}$ pp. [*C.O.* 5, 867. *Nos.* 30, 30 i., ii. ; and (*without enclosures*) 5, 915. p. 253.]

[Dec. 10.] **783.** Copy of Governor Shute's Commission, by and with the advice and consent of the Council and Assembly, to Jeremiah Dummer to act as Agent for the Massachusetts Bay. *Signed*, Saml. Shute. *Endorsed*, Recd., Read 10th Dec., 1718. $1\frac{3}{4}$ pp. [*C.O.* 5, 867. *No.* 19 ; and 5, 915. pp. 238, 239.]

Dec. 10. **784.** Mr. Popple to Mr. Gee. The Council of Trade and Whitehall. Plantations having looked into the Laws of Pensylvania that are in this Office, find that they have received none since those passed in Feb. 1710 and Aug. 1711, and therefore their Lordships desire that if there be here any Laws passed since that time they may be sent to them immediately, or, if there be none such here, that you

1718.

would immediately write to your friends in Pennsylvania for them. [C.O. 5, 1293. p. 160.]

Dec. 10.
Whitehall.

785. Mr. Popple to Sir Wm. Thomson. Encloses Act of New Jersey, 1717, *to naturalize Jacob Arents and his three children.* The Council of Trade and Plantations desire your opinion more particularly how far the sd. Act of New Jersey is consistent with the Act of Parliament of 12th Car. II. *for the encouraging of shipping etc.*, the Act of 7 and 8 Guli. III *for preventing frauds in the Plantation Trade*, or any other Acts of Parliament relating to the Trade and Navigation of this Kingdom? And what privileges a person naturalized in any of H.M. Plantations will be entituled to? [C.O. 5, 995. p. 450.]

Dec. 11.

786. Mr. West to the Council of Trade and Plantations. I have considered three Acts passed in New Jersey 1714, (i.) *for shortning of law suits*, (ii.) *inforcing the observation of the ordinance for establishing fees* and (iii.) *for acknowledging and recording of deeds and conveyances of land etc.* As to the generall purview of which Acts I have no objection. But inasmuch as those Acts are represented by the Governour and by the Judges of the Supream Courts of Justice in that Province to bee entirely destructive of their jurisdiction and as in their opinion not fitt to be pass'd into law especially considering that they are intended to be perpetuall and have also been represented unto me that those Acts are very prejudiciall to the right of those officers who are appointed by patents from the Crown by lessening their usuall and accustomed fees in such a manner as that there is not a sufficient encouragement for any person to undertake the execution of those offices, I am of opinion that those Acts are not proper to be passed, unlesse there be clauses inserted to save the jurisdiction of the Superior Courts and the rights of those few officers in the Province who are appointed by patent from the Crown. *Signed, Richd. West. Endorsed, Recd., Read 12th Dec., 1718. 1½ pp. [C.O. 5, 971. No. 76; and 5, 995. pp. 451, 452.]*

Dec. 12.
S. Carolina.

787. Governor and Council of South Carolina to the Council of Trade and Plantations. Wee had the honr. of laying before your Ldships., 21st Oct. last, the action of taking Majr. Stede Bonnet, and his crew at Cape Fear, by Collo. William Rhett. Wee then informed yr. Ldships of the apprehensions, wee lay under of further insults of those people. Those our apprehensions have proved too true, wee having been blocked up, and several ships taken in sight of the town, insomuch that the Governr. thought it proper, to press several ships and vessells, and fitt them out, at a very great expence to our Province to remove them, and went himself in person, and took a ship, and a sloop, after having killed, 26 men, among which was one Worley the commander. Wee hope this may convince yr. Ldships. of the reasonableness of our request, that a ship of warr, may be sent to our assistance, and protection, without which our trade must be inevitably

1718.

ruined, which wee are the more perswaded, yr. Ldships will endeavour to prevent, by your solicitations to H.M., when you shall be pleased to consider the newness of our Colony, and that nevertheless wee the last year shipped off, 32,000 barrels of tarr, 2643 barrels of pitch and 473 barrels of turpentine, all stores, very usefull for H.M. Navy. *Signed*, Robt. Johnson, A. Skene, Nicholas Trott, Tho. Broughton, Charles Hart, Fra. Yonge. *Endorsed*, Recd. 24th Feb., Read 3rd April, 1719. 1 p. [C.O. 5, 1265. No. 119; and 5, 1293. pp. 166, 167.]

Dec. 12.
Whitehall.

788. Mr. Tickell to Mr. Popple. Mr. Secretary Craggs desires a copie of the report made about three years ago by the Council of Trade and Plantations concerning the taking off the duties on American timber. *Signed*, Tickell. *Endorsed*, Recd., Read 12th Dec., 1718. 1 p. [C.O. 323, 7. No. 134; and 324, 10. p. 211.]

Dec. 13.
Annapolis
Royal.

789. Lt. Governor Doucett to Governor Philipps. *Refers to enclosures.* As to what he (*i.e.* M. de Vaudreuil) mentions of River St. John sure he must be very much mistaken, for that river lyes in the same bay wth. us, and is but twelve leagues from hence, and much about the center of Nova Scotia. I hope Sir you will put a stop to their proceedings, or ellee they will claim everything to within cannon shott of this Fort, which has been often the topick of the inhabitants' discourse, and not long since I was obliged to comitt one of them to prison, for saying so to me and being very insolent. In short Sir from the neglect of this place so long, they think it is allways to lye as it does, and I dare sware their is not one inhabitant believes, they shall ever see a Govenr. here *etc.* Your Excellency plainly sees the underhand dealing by the private letter of Monsr. Vaudreuil *etc.*, as allso by M. St. Ovide's writeing one thing to me, and doing the reverse *etc.* (v. July 23, 1718 and March 24, 1719). *Urges him to press for presents for the Indians and a man of war ut supra.* *Concludes* :—My wife joynes with me in our most humble service to your Lady and self, and hope's the fox skin she has sent to Madam Phillips may be acceptable, *etc.* *P.S.*—I hope you will receive a draught wth. this from Capt. Southack, in which I have desire'd him to trace out in red, the antient bounds of Nova Scotia *etc.* *Signed*, John Doucett. *Endorsed*, Recd. (from Col. Philipps) 23rd, Read 29th April, 1719. 2 pp. *Enclosed*,

789. i. Marquis de Vaudreuil to Lt. Governor Doucett. Quebec, 22nd Sept. (N.S.), 1718. *Reply to* letter of April 15 (v. 20th June). *Refers to* the new treaty of alliance between the two Crowns and his determination to maintain it *etc.* *Continues* :—But those who govern on behalf of the King your Master must contribute their share. I will never incite the savages to insult your Government, and if I knew of any Frenchman capable of doing so, would punish them severely. As regards the Missionaries, I can hardly believe them so ill advised as to stir up the people who have submitted.

1718.

They ought to confine themselves to the functions of their ministry *etc.* I am sure that if they confine themselves to their duty, you will not refuse them the protection you owe them. Although in the 14th Article of the Treaty it is said that in the ceded Colonies French subjects shall be free to withdraw with their moveable effects *etc.*, I am informed that you refuse them passports and liberty to take away their cattle and other moveable effects *etc.* I shall be obliged to complain of you if you persist in refusing to the French inhabitants the justice which is their due. I pray you also not to permit your English boats to go in the River St. John, which is still part of the French dominion, *etc.* *Signed, Vaudreuil. Endorsed as preceding. French. 1 $\frac{3}{4}$ pp.*

789. ii. Copy of No. 565 v.

789. iii. Marquis de Vaudreuil to M. Louis Allain at Port Royal. Quebec, 22nd Sept. (N.S.), 1718. I see by your letter of Nov. 25 last that the Governor of Port Royal is pressing you and the other inhabitants to take the oath of allegiance to his Britannic Majesty or to withdraw *etc.* It is for you to decide whether to remain in Nova Scotia or withdraw to the River St. John, as you appear to me to desire to do ; if you wish to withdraw to the River St. John, which is not part of the English dominion, you ought to be allowed to take away all your moveable effects, in which effects are included cattle and everything that you can take from your mills without destroying the buildings. The buildings *etc.* you cannot take away *etc.* *Signed, Vaudreuil. Same endorsement. French. Copy. 1 p.*

789. iv. *Same to Same.* Quebec. Sept. 22 (N.S.) I have just written a reply to your letter of Nov. 25th, which you will be able to show to the English, and this which accompanies it is a private letter which you must not show them ; I pity you in that the fortune of war has subjected you to a foreign rule, which you find it hard to endure. You assure me of your desire to withdraw to the River St. John and that you hope to be able to bring there a good number of your inhabitants, if this river belongs to the French, asking me for this settlement the land which formerly belonged to the late M. Dubraul. Whereupon I will tell you that the River St. John is not part of the English dominion, that I shall always support the French inhabitants who are there and those who shall go there to settle, and that I shall not suffer the English to take possession of it, you as well as the other families of inhabitants who shall wish to follow you can go and take the lands, and apply for that purpose to the Rev. Father Loyard, Jesuit, who is the missionary there, and to whom I have given a power of granting habitations to those who shall ask for them. I am writing to him with regard to you on this occasion, in

1718.

order that he may grant to you the land you shall ask of him. You ought to lose no time in going there, and when you are there with your family and all your moveable effects, I shall be able to send you a passport for the voyage which you propose to make to the Islands with your ship, which I cannot do so long as you are at Port Royal under the English dominion. As to the oath which is required of you in case you remain, it is for you and the other inhabitants to decide whether it is in accordance with your religion, of which you will not have the free exercise, and which you ought to prefer to all temporal advantages *etc.* *Signed*, Vaudreuil. *Endorsed as preceding. Copy. French.* 1 p. [C.O. 217, 2. Nos. 64, 64 i.-iv.; and (without enclosures) 218, 1. pp. 394-397.]

Dec. 15.
Whitehall.

790. Reference by the Lords of the Committee of Council for Plantation Affairs to the Council of Trade and Plantations, for their report whether any and what liberty for fishing and curing ought to be reserved to H.M. subjects in such grants of land in Nova Scotia as desired by Sir A. Cairnes, 21st July, *etc.* *Set out*, A.P.C. II. No. 1299. *q.v.* *Signed*, Ja. Vernon. *Endorsed*, Recd., Read 18th Dec., 1718. 1 p. [C.O. 217, 2. No. 52; and 218, 1. p. 376.]

Dec. 16.
Whitehall.

791. Council of Trade and Plantations to Mr. Secretary Craggs. We are now writing to all H.M. Governors in America and should be glad to know H.M. pleasure whether they shou'd have any directions sent them from this Board upon ye present posture of affairs, and in case any directions are sent them from your Office; we shou'd be glad that they might be communicated to us for our better guidance in our future correspondence with the said Governors. [C.O. 324, 10. pp. 211, 212.]

Dec. 16.
St. James's.

792. H.M. Warrant granting to Thomas Betts, Naval Officer in Jamaica, leave of absence for 12 months, *etc.* *Copy.* [C.O. 324, 33. pp. 192, 193.]

Dec. 16.
St. James's.

793. H.M. Commission to Captain Henry Kelsey to be Governor and Commander in Chief of Hudson's Bay, to do "all manner of things (not being contrary to Law) which you shall judge necessary or convenient for Our service the advantage of the said Company, and the increase of the Beaver Trade" *etc.* *Countersigned*, J. Craggs. *Copy.* [C.O. 324, 33. pp. 194, 195.]

[Dec. 16.]

794. Petition of Nathaniel Carpenter of London, merchant, to the Council of Trade and Plantations. As administrator to Edward Gillard deed. prays that the name of his former partner, Henry Burrell, may be erased from the debenture for his losses on a plantation in St. Kitts at the time of the French invasion. It was agreed to divide the loss, but two debentures were granted of £192 2s. 2d. each, one payable to Henry Burrell and Co. and

1718.

the other to Edwd. Gillard and Henry Burrell. *Endorsed*, Recd., Read 16th Dec., 1718. 1 p. [*C.O.* 152, 12. *No.* 121.]

Dec. 17. **795.** Mr. Popple to Mr. Carkesse. Encloses extract of letter from Governor Sir N. Lawes, 1st Sept., whereby it is represented that the method of securing H.M. share of seizures there has been alter'd. The Council of Trade and Plantations desire you will let me know whether it has been done by directions from the Commissrs. of H.M. Customs, as soon as possible. [*C.O.* 138, 16. p. 153.]

[Dec. 18.] **796.** An account of timber exported from New Hampshire to Lisbon and Cadiz 1712—1718. There goes yearly to Barbados and the Leeward Islands out of this Province 5,000,000 ft. of boards, besides staves *etc.* *No signature.* *Endorsed*, Recd. 18th Dec., 1718. 1 p. [*C.O.* 5, 867. *No.* 20.]

Dec. 19. **797.** Governor Hamilton to the Council of Trade and Plantations. *Begins with duplicate of 26th Oct. Continues* :—Since which I have visited the other Islands of my Government and find that in the Island of Mountserratt there are only the following persons of the Council, viz. William Frye Esqr. President, John Daly Esqr., George Wyke Esqr., Edward Parsons Esqr., William White Esqr. and Anthony Fox Esqr. : William Mathew Esqr. Lieutenant General, Thomas Talmash Esqr. Lieutenant Governour, William Gerrish Esqr., Daniell Ravell Esqr. being all in Great Brittain, the first by leave of H.M., the second has not been at his post since my arrival to the Government, William Gerrish Esq. absent by leave from myself as also Daniel Ravell Esq. ; John Bramble Esq. refuses to serve, Thomas Lee of whom I gave your Lordships formerly an account and William Barzey Esqrs. being dead. I therefore beg your Lordships will recommend the following persons to H.M. to be made Members of the Council for that Island they being well affected to H.M. person and Government, and of good estates in that Island vizt. Major John Cochran, Mr. Thomas Lee and Mr. William Irish. As for Nevis there are none wanting except Major Milliken who is removed from that Island and is now settled on the Island of St. Christopher's, whom I beg your Lordships will recommend to H.M. to be one of the Council for St. Christophers he being a person thoroughly well affected to H.M. person and Government. As for the Island of St. Christophers, here are remaining John Davis Esqr. President of the Council, Francis Phipps Esqr. John Bourryan Esqr. Joseph Estridge Esqr. John Willett Esqr. absent by forloe John Milward Esqr. and George Lyddell Esqr., to whom I have added and sworn of the Council, as mentioned in the foregoing letter, Colonel William Woodrope and Captain William McDowall, I have not called to the board as advised, Capt. John Garnett being very well inform'd that he has behaved himself very disrespectfully towards me, and therefore must recommend the forementioned James Milliken Esqr. in his stead. As for the Island of Antigua there are remaining Edward Byam Esqr.

1718.

Lieutenant Governour, John Hamilton Esqr. who is almost superannuated, William Codrington Esqr. has not been in this Government since my arrival, and at least two years before, Thomas Morris Esqr. suspended, William Thomas Esqr. who I am informed died in September last in Great Brittain, William Byam Esqr. Edward Warner Esqr. Vallentine Morris Esqr. absent, in Brittain by a forloe, Nathaniel Crump Esqr. John Frye Esqr. absent by forloe in Great Brittain, Archibald Cochran Esqr. and John Gamble Esqr., so that we have now but barely seven with the Lieutenant Governour, upon that Island. I therefore humbly desire that your Lordships will be pleased to recommend George Lucas and Francis Carlile Esqrs. the latter I am informed has applied to your Lordships, and is now returning for the Island of Antigua, which if I had known that he had intended to have come out again should have long since recommended him to your Lordships, they are both persons very well qualified, of good interests, and truely zealously affected to H.M. person and Government. Here arrived this week one Abraham Howell, who was one of the persons taken at Crabb Island and carried away by the Spaniards who informs me that after they had carried him through all their ports at Porto Rico, Hispaniola, Cuba and at Laverre a Cruix they at last suffered him upon the intercession of the Agent of the Royal Assiento Company to return (with two or three more that were with him taken) in a Jamaica sloop, to that Island, from whence he got up here and informs me that when he left Laverre a Croix which was about the 27th of August last, that the Spaniards were fitting out at that place severall vessells with whom they were to go to the Havana there to join others, and to take in four or five thousand men with a design to destroy the settlement at Providence. *Refers to former request for a ship of 40 guns to protect the Islands against Pirates. Continues :—*The man of war that is on this station not being capable of doing any service against that vermin, for I have now lately received an account of three pirate vessells that are cruising amongst these Islands, to wit a ship of 24 guns, commanded by one Captain William Moody, a brigantine of eight guns, commanded by one Captain Frowd, and a sloop of six or eight guns, they have taken, stranded, and burnt several vessells between this Island and Santa Cruix, particularly stranded one, and burnt another belonging to trading persons of this Island, they were several days at an anchor off of the Harbour's mouth of the Island of St. Thomas, from which Island it's said they were supplied with provisions, and it's very probable they were so, for that is a nest that harbours all villains, and vagabonds. They appeared off of this Island standing to windward, and I am not without fear that they will intercept some of our provision ships, it being now the season for them to drop in, or may even attempt the man of war, if they meet her she being gone for Barbados to victual which she is always obliged to do, there being no person appointed in any of these Islands by the undertakers to supply them, which is, and may prove vastly detrimental to H.M. service, and the great discouragement of trade ; I therefore humbly recommend this

1718.

to your Lordships' consideration whether it would not be for H.M. service that the undertakers should be obliged to appoint a person or persons in some of these Islands to supply the man of war attending this station *etc.*, for at any time she is obliged to go to Barbados, she is absent at least a month, or six weeks. I this week have an account given me by a person that came from Providence that some of those pirates that had surrendered themselves, soon after surprized a vessell, and went out again upon the same account, I therefore once more beg your Lordships will represent this matter so to H.M. that the evil which may otherwise proceed therefrom, may be effectually remedied. I formerly wrote your Lordships about the trade that is carried on in the Island of St. Eustatia but have had no answer thereto. I must now further acquaint your Lordships that we have daily soldiers of H.M. Regiment of Foot quartered in these Islands (from this Island in particular) desert and are entertained, and I cannot but believe are encouraged by the Dutch Governour there, for that I have several times sent an officer down to demand them who have been put of from time to time with fair promises that I should have them returned, but never have had any performances, although some of the Officers have seen some of their men upon the Island at a distance, but could never obtain them, which is so very prejudicial to H.M. service that I cannot omit to lay this before your Lordships, in order to represent it to H.M. that an order might be obtained from the States of Holland to the Dutch Governour of that Island for the restoring all such soldiers, as also white servants that some times run off of this Island, without which it will be almost impossible for Officers to keep their Companies compleat, or for masters to keep their servants. *P.S.*—Since the foregoing I have an account given me by the master of a New York sloop, one Mr. Dane that he was taken in the latitude of 28 by the beforementioned sloop that run away from Providence which they call the *Duke and Duchess*, commanded by one Captain David, they had fifty-five men, they plundered and took away almost all his water and provisions, and took away two of his men. *Signed*, W. Hamilton. *Endorsed*, Recd. 15th May, Read 9th June, 1719. 6 $\frac{3}{4}$ large pp. *Enclosed*,

797. i. Deposition of John Brown, late Commander of the brigantine *John and Thomas* of Road Island. Antigua, 12th March, 17 $\frac{18}{15}$. On Nov. 5th last he was taken off the Bay of Carolina by a pirate ship, the *Rising Sun*, William Moudy Commander, mounted with 36 guns and having on board 130 men, white and black. They came to St. Thomas at the end of Nov. where they stayed two or three days and took three vessells belonging to Martinico. They sent the master of each vessell ashoar to the Governor to demand provisions for their ransom otherwise they threatned to burn their vessells; they had thereupon from St. Thomas about 30 barrels of beef as much flower with wine *etc.* Thence they went to Saint Cruise to water, where they took three or

1718.

four vessels *etc.* In latitude 34 they fought and took a Dutch ship from Guinea, and used the master and sailors barbarously. *Refers* to 3 other captures. They used deponent and the master of the ship very barbarously during the time they were detained on board *etc.* *Signed*, Jno. Brown. *Same endorsement.* 1½ pp.

797. ii. Deposition of John Bois, Carpenter of the *Wade* frigate, — Edwards Commander. Antigua, Feb. 24th, 1718(9). Bound for Jamaica, he was taken by a French pirate ship, the *Mary Anne*. The pirates plundered and drove the ship ashore after using the Captain very barbarously, upon suspicion of his having concealed mony. Their consort the *Postillion* took a French pink, which they fitted out and then sank the *Mary Anne* in Samana Bay. They pretended to trade with Spanish merchants upon the coast, but robbed them when they got them on board. They afterwards took several vessels belonging to New England, one belonging to Bermudas, and one to Jamaica. They were afterwards engaged by an English pirate off Samana Bay which plundered them and took off deponent. These plundered another vessel, and sent deponent and one Isaac Wackee on board because they refused to go with the pirates. The pirates had on board about 130 white men, and about 50 Spaniards, negroes and Indians, 26 guns and 4 swivel guns, commanded by Edward England an Irishman. They designed to go to the latitude of Barbados to get bread or flower and a better ship, and from thence to the coast of Guinea and Brazil. Sumana Bay and Scots Bay and the Island of Mona are places of rendezvous for the pirates. *Signed*, John Bois, his mark. *Same endorsement.* 2¼ pp.

797. iii. Duplicate of preceding.

797. iv. Deposition of Jonathan Bull, Commander of the ship *Christiana* of Boston. Antigua, 17th Jan., 1718(9). Bound from Surinam to Boston, deponent on Dec. 5th last, was taken and plundered off Barbados by a pirate brigantine mounted with 12 guns, about 90 men on board, commanded by Edward England, with a sloop their tender. An hour before, they took a sloop belonging to Col. Lesley of Barbados, which they sank. The night following they took a vessel bound to Barbados from Guinea with 250 negroes, and some small time after another ship from Madera bound for Barbados with provisions *etc.* On 28th they took a small sloop belonging to Martinico *etc.* Believes they intend to fit out the Guinea man for their man of war somewhere near St. Vincents. When they sent him and his men off in their own vessel, they had on board 5 commanders with their men, including the Commander of a briganteen belonging to Piscataqua taken about 18th Dec. They

1718.

were about 125 in number when he left them *etc.* *Signed*, Jona. Bull. *Same endorsement.* 2½ pp.

797. v. Deposition of Robert Leathes, Commander of the *Upton* pink of Belfast. Antigua, 12th March, 1718. On 17th Jan. he was taken by a pirate brigantine, Richard Frowd Commander, in latitude 35 North, in his voyage from Belfast to South Carolina. The brigantine had about 4 guns and 60 men whites and blacks, and was tender to the pirate ship *Rising Sun etc.* Confirms Encl. No. i. *Signed*, Robert Leathes. *Same endorsement.* 2 pp.

797. vi. Deposition of Robert Leonard, Commander of the snow *Eagle* of New York. Antigua, 24th Feb., 1718. In latitude of 23, Feb. 15th, deponent was taken and his ship plundered by a pirate ship. The Commander beat him with his cutlass for not bringing to at first shot, and the pirates threatned to sink his vessell and throw him overboard with a double headed shot about his neck, if he concealed where his money was. They said they had taken a French pirate in Scots Bay at the N. end of Hispaniola. The Captain's name was Edward England and the Master, who sailed with deponent about six months ago as boatswain, was Alexander Ure *etc.* *Signed*, Robt. Leonard. *Same endorsement.* 1½ pp. [C.O. 152, 12. Nos. 136, 136 i.-vi.]

Dec. 19.
Whitehall.

798. Council of Trade and Plantations to the King. The Fishery at Newfoundland having been obstructed and discouraged for many years past, not only by the late wars but by the irregularities of the inhabitants, traders and fishermen who reside in and resort to that Island, We have in obedience to your Majesty's Commission, whereby we are directed to enquire into the several obstructions of trade, and the means of removing the same considered the past and present state of the aforesaid Fishery, *etc.*, and thereupon crave leave to represent, That the Fishery in Newfoundland was at first settled by merchants and other Adventurers, inhabiting the Western parts of this Kingdom, and successfully carry'd on for many years, under the restriction of such customs and laws as were agreed upon by the fishermen among themselves. Altho the harbours and fishing places were for some time left open and free (Purchase *Pilgrim* fol. 1877) to all Nations (without prejudice however to the Sovereignty of your Majesty's Royal Predecessors) nevertheless great numbers of ships and seamen were annually employ'd by the sd. Adventurers, some in fishing and others in supplying them with salt from France and Portugal, and in carrying their fish to foreign markets, which ships being furnished with provisions and all other necessities of English production and manufacture, for ye whole voyage, it was not only a particular advantage to the Western Counties, but likewise to the Nation in general, by encreasing the factories in foreign Countries and by promoting the consumption of our manufactures. And forasmuch as the

1718.

fishing ships required more hands than were barely necessary to navigate them, the masters and owners constantly bred up (Wade, 2.) many servants and others unacquainted with the sea, by which method the charge of the voyage was lessen'd, and the number of seamen for the service of the Crown and Kingdom was wonderfully encreased, and to excite their industry, as well as to reward their labour (Wade, 1) instead of allowing them wages by the month or voyage, according to ye present practise of ye fishing towns, every one had a certain share or shares in the fish and oyle that was taken and made during the voyage and upon their return ye whole cargo was sold, and the proceed divided, $\frac{2}{3}$ to the owners and $\frac{1}{3}$ to the ship's Compa., in such proportions as were agreed on, which made it their intrest, to attend diligently to their employment, and raised an emulation among them to outvy one another. The first account of this Fishery we have met with is from Mr. Antho. Parkhurst (Hackluyt, 3 vol. 132.) who relates, that in 1574, thirty English ships were employ'd in fishing at Newfoundland, and in 1578, fifty. The succeeding war with Spain checked the increase of the Fishery for some years, but after the peace, 1604, it flourish'd exceedingly. (Purchase, 4 vol., 1886). Which encouraged the merchants of London and Bristol in 1610 to solicit a grant which they obtained from King James I for a considerable part of Newfoundland, (Purchase, *Pilgrim* 1876, 1877. Vol. 1. Cap. 12.) in order to settle Colonies that by their assistance they might be enabled to share the advantages of the Fishery with the Western Adventurers. But after they had expended large sums to no purpose, they quitted their design, being convinced, that the country was not capable of subsisting English Colonies and if it had, that the charge of supporting and governing them, was too great to be born by a Fishery. Afterwards in 1615 Cap. Richard Whitburn, who was sent to Newfoundland with a Commission from the Court of Admiralty to enquire into ye disorders and abuses committed on that coast reported that 250 ships belonging to this Kingdom, were engaged in the Fishery, which he computed one with another at 60 tons and 20 mariners, and that each ship had taken 120,000 fish, and made 5 tons of train oyle *etc.* However as some of the looser sort, both of the planters and mariners remained in the country, because they vainly immagined, that they could not be impeached there for such injuries and wrongs as they had committed and were supply'd with rum, strong liquors and tobacco from New England and other parts. They retailed them contrary to ye rules of the Fishery among the seamen; whereupon idleness and debauchery soon prevailed and increased to that degree, that at last the masters and owners of ye ships were obliged to petition King Charles I to restrain by His Royal authority those disorders which evidently tended to the ruin of the Fishery. H.M., to prevent these irregularities and excesses for the future, upon granting the Propriety of Newfoundland to several noblemen and others, ordain'd that no person should plant or inhabit within six miles of the sea shore, between Cape Race and Cape Bonavista. (13th Nov., 1637. Vol. 1. c. 12.)

1718.

And that nothing might be wanting to encourage the Adventurers dilligently to attend to, and vigorously to prosecute the aforesaid fishery, the Star Chamber in Jan. 1633(4), adjusted and settled several orders for the regulation and government thereof, and on 20th Feb. following H.M. was graciously pleased to grant a Charter to all his subjects, trading to Newfoundland, according to the tenor of the said Orders, which was commonly called the Western Charter. *Provisions of the Charter enumerated.* The ancient customs and constitutions of the Fishery, being in this manner confirm'd, and the Magistrates in the Western Counties impower'd to put the aforesaid laws in execution the fishing trade was again revived, and at length by the frugal management and industrious application of the Adventurers (notwithstanding they were frequently obstructed and injured by the Governor and inhabitants contrary to the conditions of the grant in 1628 by virtue of which they had settled there) most of their foreign competitors were constrained to abandon the said fishery, and the European markets were plentifully supply'd with dry fish, by the subjects of this Kingdom at such moderate rates, as promoted and secured its consumption, to the vast encouragement and encrease both of Navigation and Trade. The best and exactest account of the Fishery under this regulation, that is to be found in our Office, is a Representation of the merchants *etc.* of the Western Ports (*v.* C.S.P. 1674, No. 362 i.) wherein it is asserted that about 1644 at least 270 fishing ships were annually employ'd in the Newfoundland Fishery, besides those that supply'd them with salt *etc.*, and that carry'd their fish to market. The burthen of these 270 sail may be computed 21,600 tons, and for every 100 tons 50 men and at least 10 boats. To each boat they generally allow'd 5 men, and usually made 200 to 300 quintals of fish *pr.* boat, which was then sold in ye country at 14 to 16 rials, or from 7s. to 8s. *pr.* quintal *etc.* But the course of this success was soon after interrupted by that unnatural war, which broke out in this Kingdom; by the measures that were concerted and taken by the Governmt. in 1650 and 1655 for settling a Governor and Colonies in Newfoundland, by the many losses sustained by the Adventurers during ye wars, first with Holland and then with Spain, especially in the latter, and by a pernicious practice lately introduced by the masters and owners of the fishing ships, of carrying to Newfoundland by-boat keepers and their crews, and servants to assist the inhabitants in their fishing. So that at the time of ye Restauration of K. Charles II, the Fishery was very inconsiderable. In order therefore to retrieve and recover the fishing trade, H.M. was graciously pleased, upon the humble petition by the Western Adventurers, by Letters Patents bearing date 26th Jan., 1660, to confirm the aforesd. Charter, with an additional clause to prevent ye transporting of by-boat keepers and servants (*quoted*). But this prohibition not being enforced by proper penalties (which were now become more necessary than formerly) it was evaded and opposed by some of the masters and owners of fishing ships, who chose rather to quit part of their annual fishery, by lessening the complements

1718.

of their men and boats, than to lose the advantage they made by carrying of passengers, and by disposing of their trifling adventures to ye inhabitants, from whence several unhappy consequences ensued, vizt. That the number of the fishing ships and seamen employ'd in Newfoundland, was considerably reduced, and that ye breeding up of young men for that service was generally neglected. That the price of fish in Newfoundland was enhanced from 14 or 16 ryals pr. quintal to about 24, whereby the consumption thereof was lessen'd in all foreign ports (Sir Josia Child, fol. 206). That the merchants of London were induced to set up a fishery in New England, which has been ever since carry'd on to ye great discouragemt. of the Adventurers; and tho it may possibly be a question, whether this unlucky management did not first prompt and encourage the French to settle at Placentia in 1662, yet 'tis not to be doubted, but that it contributed to the establishment of their Fishery, and enabled them to supply not only their own markets, but to rival us in Portugal, Spain and Italy. However these innovations by the remissness of some and by the contrivance of others, were not restrained, nor does it appear, that any notice was taken of the complaints, exhibited against those that had violated the aforesaid law and constitution, until the latter end of 1663, when by H.M. command, circular letters were wrote by the Lords of the Council to the Mayors and Magistrates of the Western Corporations, requiring them to be careful that the said law should be punctually observed and duly executed, and at the same time the Officers of ye Customs were directed to charge all masters of ships to observe and keep the said rule: But this Order being likewise eluded in Feb. 1669 H.M. in Council again enjoyn'd the observance thereof, and commanded that a return should be made of the names of offenders and in the mean time to stop their proceeding on ye voyage. And whereas the Western Adventurers had been for some time past opposing the placing of Govr. in Newfoundland, which was proposed, as absolutely necessary to check the encroachments of the French, H.M. on the 4th Feb., upon the report of the Lords of the Council for Foreign Plantations rejected the said proposal and thereby removed the fears and jealousies, that the Adventurers had entertained to the great discouragement of the fishing trade. Nevertheless the Fishery was so severely effected by the aforesaid disorders and disputes that the merchants, owners and masters of ships and inhabitants of the Western parts of this Kingdom adventuring to Newfoundland were obliged in Dec. 1670 to petition H.M.; That the said Fishery might be maintained by fishing ships, according to its ancient custom, that encroachments thereupon might be removed, and that the Mayors mentioned in their Patent might be impowered to depute from time to time persons to execute the laws and constitution of the Fishery *etc.* *Refer to procedure summarised C.S.P. 1670. Nos. 362 iii.-v.* The Council of Foreign Plantations made their report on the 2nd of March following, (C.S.P. 1670. No. 362 iv.) and offer'd that several new regulations be added to the Charter, and on the 10th March, after the said new regulations

1718.

had been seriously considered by H.M. in Council, those that related to the Adventurers, were all approved, except one, whereby it was proposed : That encouragement might be given to the inhabitants to transport themselves and their families to Jamaica, St. Christophers, or some others of H.M. Plantations, *etc.* But when the Adventurers found, that the removal of the inhabitants from Newfoundland could not be obtained, they seemed to be very indifferent, about renewing of ye Charter, so the Trade was left to take its course, and in 1671 Cap. Davies affirmed that “ the said trade was not then by two third parts so good as he remembered it ” *etc.*, with which acct. the memorials of the Adventurers agree. In 1674, the solicitations for a Governor were again renewed. *Quote* Report of the Committee for Foreign Plantations on the progress of the French and New England fisheries, and the decay of the Newfoundland fisheries, approving of rules settled in Council 10th March 1670, but proposing the discouragement of any settling there, and if no Colony, no Governor *etc.* (v. C.S.P. 1675. No. 550). *Continue* :—On 5th May following H.M. in Council thought fit for the several considerations in the said Report mentioned, to order ye Commander of his convoy bound to Newfoundland to admonish the inhabitants either to return home or betake themselves to others of his Plantations *etc.* (v. C.S.P. 1675. No. 550). And on 27th Jan. 1675 H.M. passed the New Charter, which recited and confirmed all the old laws, and several others were added for the better Government of the Fishery, which if they had been as steadily supported and executed, as they were carefully concerted, in all probability the subjects of France and the people of New England, had reaped very little benefit by their fisheries, and this valuable branch of the British trade had been firmly re-established and secured. *Quote the Additional Regulations of the New Charter.* *Continue* :—Upon these encouragements and assurances the Western Adventurers immediately returned to the Fishery and employed in 1675, 105 fishing ships ; in 1676, 126 ; in 1677, 109, *etc.* (v. C.S.P. No. 1175 *etc.*), and in the same years the numbers of inhabitants, besides women and children, was planters, 140, 138, 152, and servants, 1250, 943, 1355. For notwithstanding H.M. orders as aforesaid they still remained in the country. However the Adventurers being encouraged by the Lords of the Committee to put the laws of the Charter in executions they began in 1676 to restrain the disorders of the Planters and to prevent ye transportation of their servants but upon the petition of the said planters in Novr. following and the solicitation of those, who were either excited by the hopes of procuring advantages for themselves or influenced by ye French, whose fishery must have been soon render'd precarious if the Charter had been observed, an Order was obtained on 18th May, 1677 that the planters be continued in possession of their houses *etc.* (v. C.S.P. 1677. No. 256). The said inhabitants being flushed with this success, the old schemes for establishing the Colony and settling a Govr. were again revived, and the necessity thereof strenuously asserted by some and opposed by others. *Quote adverse report of*

1718.

Commrs. of Customs, 26th March, 1680. *Continue* :—These arguments had not their due effect and on 18th April, 1680 it was ordered, that H.M. intentions to settle a Govr. and erect a Fort in Newfoundland for the preservation of his sovereignty and good of the fishery, should be signify'd unto the Magistrates of such towns in the West of England, as were chiefly concerned in that trade *etc.* The Western Corporations represented the hardships and difficulties they had formerly struggled with under a Govr. in Newfoundland and that they apprehended the fishing trade wou'd be greatly discouraged and prejudiced if a Govr. was settled there and therefore pray that H.M. Sovereignty may be maintained by ships of war to be sent annually thither and that the Charter be enforced *etc.* These representations had so much weight, that the proposals relating to a Govr. were laid aside, but the regulations and laws of the Charter being enervated by these disputes, the fishing trade very sensibly declined from the time that the Order for removing the planters was revoked. And in 1682 it was reduced to 32 fishing ships, 1012 seamen and 183 boats and in 1684 to 43, 1489 and 294, tho' the inhabitants employed in the same years 299 and 304 boats. But this decay of the fishing trade was not the only loss this Kingdom sustained on this occasion, for as Cap. Jones one of the Commanders of the Convoy in 1682 hath affirmed, the traders from New England to Newfoundland yearly made voyages for the sake of spiriting away the fishermen; so that the Newfoundland Fishery, which was formerly the great nursery for breeding up stout and able mariners, was now become a meer drain that carry'd off very many of the best and most useful of all the British sailors, and it is too notorious, that this practise has prevailed ever since. *Quote* Sir Francis Wheler's report (C.S.P. 1684. No. 1907) as to *the high wages paid by planters, their sale of liquor, and its effect in driving away the Western Adventurers from the Fishery.* *Continue* :—Nor doth it appear to us, that the fishing trade was afterwards, during ye reign of K. James II upon a better foot, or that the least care was taken to remove the aforesaid obstructions, (*Note in margin* : No accots. of the Fishery in this reign) much less to retrieve trade, but on the contrary, notwithstanding the French fishery was prodigiously encreased both at Placentia and to the northward of Cape Bonavista, and that the value of the fish taken by the English Adventurers after 1682 fell short of the value of what was taken in 1676, at least £100,000 pr. annum, nevertheless the subjects of this Kingdom were restrained by the Treaty of 1686 from fishing in such places as were held or possessed by His Most Christian Majty. in America, which seems derogatory to the Charter, and to the Statute of 15 Car. II. c. 16, whereby several regulations are prescribed and ordained to be observed in any of the harbours in Newfoundland. Moreover the war in 1689 still added to ye misfortunes of the said trade, not only as it was thereby rendered impracticable to pursue such measures, as were necessary to reform ye aforesaid disorders and mismanagement, but from the difficulties and hazards that unavoidably attended the Adventurers in prosecuting the same, however they

1718.

employ'd every year some ships, more or less, as they could obtain protection for their men, and the inhabitants maintain'd (as formerly) about 300 boats pr. annum until the French in 1696, without any regard to what was stipulated by the 18th Article in the Treaty of 1686, ravaged several of the harbours in Newfoundland and destroy'd all that appertained to ye fishermen ; Whereupon his late Majesty King William the 3rd erected a fort at St. Johns, for the better security and protection of his subjects and their trade. But upon the conclusion of the Peace at Ryswick, the Adventurers, either forgetting the difficulties their predecessors were not able to surmount, or imagining that the inhabitants by reason of the severe losses they had lately suffered were rendered incapable of carrying on the Fishery, or else very probably adhering (for their own private ends) to the practise of those refractory masters of ships, who could not be restrained from transporting passengers, they reassumed and returned to their old trade with fresh vigour. And in 1698 there were employ'd by the Adventurers 143 fishing ships and 532 boats, and by the inhabitants and by boat keepers 397 boats. In all 929 boats who took 265,198 quintals of fish. The Fishery at Newfoundd. being thus revived, *etc.* the Act to encourage the Trade to Newfoundland was passed. *Abstract given.* Upon which, and the success of the Fishery in the last year the Adventurers, by-boat keepers and inhabitants apply'd themselves very earnestly to the Fishery, and there was employ'd by the Adventurers in 1699, fishing ships, 168, boats 669, and in 1700 fishing ships 171, boats, 800 ; and by by-boat keepers, in 1699, 115 boats, in 1700, 90 boats ; and by the inhabitants, in 1699, 457 boats, in 1700, 674 boats. But as this Act had not that good effect which the Adventurers expected, they were from this time forwards constrained to give place to the inhabitants, for in 1701, the fishery of the Adventurers was reduced to 75 fishing ships and 338 boats. Whereas there was then kept by the by-boatmen 97 boats, and by the inhabitants 558 boats. *Quote figures during the war, 1702—1712, shewing average of 41 ships per annum and 1713—1716, an average of 86 ships and 324 boats, and 177 by-boats and 381 inhabitants' boats (v. C.S.P. 1702—1716).* According to the preceding accounts of the Fishery it may be asserted :—that the Western Adventurers in 1615 whilst the trade was open and free to all strangers employ'd 1250 fishing ships' boats. About 1694, when ye Colony was in a manner deserted, and the foreigners fairly driven out of the trade, at least, 2160. Before 1660, and for several years after, it was generally agreed that ye Fishery was reduced by divers misfortunes and evil practises, to less than one third part, or 720. Upon restraining the transportation of passengers by the New Charter, and enjoying the planters to remove by a special order, the trade began to revive again in 1676, and maintain'd 894 fishing ships' boats, 206 by-boats and inhabitants' boats. Upon the revocation of the said Order and the design to settle a Governor, a full stop was put to the increase of the Trade, and in 1684 it sunk to 294 and 304 *respectively*. And it is computed that it continued (*communibus annis*) near upon the same foot,

1718.

from that time to the conclusion of the Peace at Ryswick in 1697. In the three following years there was annually employ'd in a medium 677 fishing ships' boats, 577 by-boats and inhabitants' boats. But in 1701, the Adventurers being discouraged, the trade fell off, to 338 and 655 *respectively*. Afterwards during the war 1701—1712, it was carryed on, communibus annis, by no more than 120 and 300 *respectively*. And on a medium of four years from the conclusion of the Peace, by 324 and 558 *respectively*. So that the difference between the Fishery in 1644 and since the present Peace may be computed as follows:—In 1644 the Adventurers employ'd 2160 boats, and by the great industry of the fishermen, there was seldom less taken than 250 quintals of fish pr. boat. In all quintals 540,000 pr. annum which produced about 3375 tons of train oyle, at one hhd. for 40 quintals; And since the Peace the Adventurers, by-boatmen and inhabitants have employ'd comm. annis 882 boats; and have taken 95,424 quintals of fish, that is 108 quintals pr. boat and $365\frac{1}{2}$ tons of train oyle at one hhd. pr. 64 quintals. Consequently therefore the quantity of fish taken in 1644, and about that time exceeded what has been taken since ye Peace 444,576 quintals pr. annum, which at 8s. pr. quintal amounts to £177,830 0s. 0d., and of train oyle 3009 $\frac{1}{2}$ tons, which at £12 pr. ton amounts to £36,114. Freight for said fish to Europe = £100,029. Lost annually to England by the decay of the trade, £313,973. Not including in this account what was gained by the merchants upon the sale thereof in foreign markets, nor what was paid for provision, strong liquors etc. to New England and other places. It is therefore very apparent, that the Fishery at Newfoundland from its first establishment has either flourished or languished, according as the inhabitants have been discouraged or incouraged. That the principal obstructions which have attended that trade since the reign of King Charles I, when it was at the greatest height (exclusive of those that proceeded from the wars this Kingdom has been engaged in) are intirely owing to the project for carrying on the said trade by a Colony of fishermen, in opposition to the fishing ships belonging to the Adventurers. That the first immediate cause of the decay of the fishing trade and of the disorders that have depressed it ever since, was from the encouragement that was given to the transportation of passengers, by appointing a Governor in 1650, and by granting a patent to Sir David Kirk *etc.* in 1655. That the pernicious consequences, which evidently ensued upon the diverting the course of the Fishery into this new Channel, were the only motives that induced K. Charles II (after every circumstance, relating to the Trade had been strictly examined and seriously considered) to order the Commander of the convoy in 1675 to admonish the planters to return home, and to grant in the same year a New Charter, which provided and guarded against every inconveniency and abuse that had interrupted the Adventurers in the prosecution of their fishing trade. That when these regulations were settled there was a fair prospect of retrieving and reviving the trade, but that the indulgence shewn to the planters in 1677, by permitting them to

1718.

remain in the country, rendred the Charter ineffectual, reduced the Fishery to the lowest ebb and favoured both the French and New Englanders in carrying on their fishing trade. And that the unhappy state of the trade from that time to this (which is upwards of 40 years) is an undeniable argument, that it cannot flourish under the present regulations, which will be farther demonstrated by examining and comparing the rules and methods that were formerly observed by the Western Adventurers, with the extravagant and irregular measures and practises that of late years have been introduced, and pursued in the management of the Fishery. For instance, Before the fishing ships became transports to the planters and by-boat-keepers, the usual complement of a ship containing 100 tons fitted out for a fishing voyage, was 50 men and 10 boats, and this practise was continued until 1677, in which year according to Sir Wm. Poole's accounts, there were employed in the fishery 109 fishing ships containing 9035 tons and 4475 men, which amounted to upwards of 49 men for every 100 tons, but upon a medium of 4 years, since the Peace of Utrecht, the 86 fishing ships annually employ'd contained 9010 tons and but 1839 men, which is little more than 20 men for every 100 tons ; The present Adventurers have therefore annually wanted 2666 men to compleat the number their predecessors maintained formerly on the same tonnage ; and had their ships been fully manned the aforesaid 2666 men would have taken to the value of at least £20 each, that is in the whole £53,320 pr. annum over and above what they have now gained, and whatsoever, is taken by the Fishing ships entirely belongs to, and is a certain addition to the stock of your Majesty's subjects residing in this Kingdom. Whereas all the advantages that the inhabitants enjoy at present by the Fishery (unless the season proves exceeding favourable) never answers their charge ; for as they are in general very idle, indigent and necessitous, they are always indebted and enslav'd to the traders from New England, and other parts, by whom they are supply'd with provisions for their subsistence, and with vast quantities of strong liquors, molosses and tobacco for sale, and many of them not having wherewithal to satisfy their said creditors ; they are in course stript of all they have taken, before the Fishery is well over and the rest, when their debts are discharged have seldom enough left to secure a sufficient stock for their own and their servants support and debaucheries in the winter ; so that New England reaps all ye fruit of their labour, except what is paid for the passage of their servants, and for the goods, that are exported from Great Britain for their consumption. How much the transportation of their servants out and home, may amount to, is uncertain : but since few return from thence, we compute it cannot exceed £4,500. And the value of the goods exported thither, according to the Custom House Accots., upon a medium of three years, after the present Peace, was £8133. Another instance of the prejudice that Great Britain receives by the inhabitants of Newfoundland, is from their abuse of that liberty which is given them to transport servants to assist them in carrying on their fishery. For

1718.

in 1677 and 1701 the number of the inhabitants and their men servants amounted to 1507 and 2159, and they maintained 337 and 558 boats. Which in the first year falls short of men $4\frac{1}{2}$, and in the last year of 4 men to each boat. But in 1715 and 1716 the number of inhabitants was 3153 and 2611, and they maintained, only 464 and 408 boats. Which being after the rate of $6\frac{3}{5}$ men to every boat it necessarily follows, they were supply'd in 1715 and 1716 with 920 men pr. annum more than they would have employ'd in the same number of boats, according to their management in 1677; and since the fishing ships in proportion to their men, have taken a greater quantity of fish, than was taken at the same time by the inhabitants, and that in 1716 servants were so scarce in Newfoundland, that they were forced to give £18 to £20 pr. man for the fishing season; it can never be pretended that the said 920 Supernumeraries were employed in the fishery; But it manifestly confirms the truth of all those complaints, that have been made for upwards of 40 years past, that the New Englanders by ye assistance of the planters of Newfoundland have carried away every year from thence as many of the English fishermen, as they could perswade or seduce to proceed with them; By which means they have established a very considerable Navigation, and gained a fishery on their own coast, which at present is probably superiour to that at Newfoundland; moreover it will serve to justify and support what Capn. Passenger has advised us (*v.* 1st Oct.). From hence therefore it plainly appears, that the Navigation of this Kingdom has suffered exceedingly ever since the transportation of passengers to Newfoundland has been connived at, and there can be no doubt but that it has been one of the principal causes of the want of seamen for your Majesty's service. The next irregular and pernicious practise of the inhabitants, that must be taken notice of, is, their retaling of rum and other strong liquors among the fishermen. That the Fishery was severely affected by the unhappy consequences of this practise soon after the first planters were settled in Newfoundland, is apparent from the Charter of K. Charles I, whereby it is ordained in the 10th Article "That no person shall set up any tavern for selling of wine, beer etc. to entertain the fishermen, etc." And it is certain that ye flourishing state of the fishing trade, during the aforesd. reign, was in a great measure owing to this wholesome prohibition; For as long as it was maintained, so long the trade prospered, and it was no sooner dispensed with, but the trade sensibly declined, and altho' the planters were afterwards kept in awe for some time by the Charters, that were granted by K. Charles II which confirmed the said prohibition, nevertheless when that difficulty was surmounted, and they were at liberty to pursue their own measures, the Fishery immediately languished, nor has it render'd to this Kingdom, from that time, above one third part of the profit, that was formerly enjoy'd thereby, excepting only after the conclusion of the Peace at Ryswick, when for three years the fishing trade was vigorously carried on in hopes that the said Peace would have favoured the

1718.

consumption of their fish in foreign parts, and that the settling of the trade by an Act of Parliament, would have effectually prevented all abuses and disorders, and restored good order and government in the Fishery ; But the said Act having only restrained the inhabitants, who keep public houses from selling upon the Lord's Day or Sunday, any liquors whatsoever, and without imposing any penalty upon the transgressors, even upon that day ; Newfoundland is now become a perfect scene of drunkenness and debauchery ; nor can it be otherwise, whilst such vast quantities of rum and strong liquors, tobacco and other stores are annually imported from New England, the Leeward Islands and other places, and that the inhabitants who carry on their fishing trade at a much greater charge than the fishing ships, and are under the necessity of selling their fish at the same price, have no other way to reduce the price thereof, but by what they gain upon the sale of their said liquors to the poor fishermen, who being always too prone to drink, are easily drawn into debaucheries and excesses, until they have profusely expended and consumed, all or at least a large part of their wages, to the great prejudice of their families ; and as this has been always justly resented, as an intollerable abuse and burthen, so the disorders, that naturally arise from the said debaucheries have obstructed the trade by discouraging the masters and owners of the fishing ships from engaging in these voyages, it being evident, that the fishermen are become negligent and careless in their employment, that they are hereby render'd unfit for their labour, that they are often refractory and ungovernable, and that to support their extravagancies, they are guilty of many embezlements and thefts, which are difficulties that are insuperable in a fishing voyage, the success whereof absolutely depends upon the utmost care and frugality of the master, and the diligence and hard labour of the fishermen, especially when they are to contend with a foreign rival, who cherishes industry and crushes every irregularity, that increases the charge of their Fishery. Neither are these the only hardships under which the fishing ships labour, for upon their fitting out, the best and ablest fishermen generally decline serving in them, until the boat-keepers have their full compliments, the boat-keepers crews being exempted from working on board ship in their passage and in Newfoundland, when bad weather hinders their attendance on the Fishery. And whereas the said by-boat-keepers always take their passage on the earliest ships and best sailers, the Fishing Admirals under the pretence of their being freighters of ships put them in possession of the best and most convenient places by the waterside, to the great prejudice and discouragement of the later ships, whose masters have been frequently constrained to hire both stages and room from the said boat-keepers and obliged to carry their fish so far backward, that they could not avoid allowing one man extraordinary to each boat. Moreover since it is now customary for many of the by-boat-keepers to remain every winter in the country, to secure their stages and rooms against the next fishing season, and that the aforesaid Act of

1718.

10th and 11th William III has provided, “ That all such persons as since 25th March 1685 have built *etc.* or hereafter shall build any houses, stages *etc.* for fishing there *etc.*, may peacefully enjoy the same *etc.*” It is found by experience, that the fishing shipping, which was employ’d in the Fishery, about the time K. Charles II. granted his second Charter, cannot be now accommodated as formerly, in the principal harbours where the planters generally remain. For the number of those ships being reduced some years before 1685, to one third part or thereabouts of the number that was annually imploy’d in 1675, 1676 and 1677, and the trade continuing near upon the same foot from 1685 to the time the said Act was under consideration, the said ships neither did, nor could occupy in that interval more than one third part of the stages and rooms, which had been in the possession of the fishing ships in the aforesaid three years; and without doubt the rest were either decay’d or destroy’d in their absence. But the inhabitants having built, cut out and made since 1685, several houses, stages, trainfats *etc.* in the same places where the other two third parts of the fishing ships’ rooms and stages were formerly erected and fix’d; the fishing ships are deprived by ye Act, of the right they had to ye said places: Wheresoever therefore they shall be again encouraged to return to the Fishery, they will be obliged to hire their conveniencies of the planters in the same manner as in 1698, in which year according to the accounts transmitted by Sir John Norris they paid from 5 to £15 pr. boat, which must be assigned for one of the reasons why they quited the fishing trade so soon after the Act passed, and why they have declined it ever since. Nevertheless as the said Act has directed by a preceding clause, that those who had detained after 1685, any beach or other places for curing, drying or husbanding of fish, which before that time belonged to the fishing ships, should relinquish the same, to the publick use of the fishing ships arriving there, it cannot be imagined, that the aforesaid proviso was intended to abridge them of so great and necessary a privilege, much less to permit the planters to possess more flakes and beach, than they actually want for curing and drying their fish in proportion to the number of boats they imploy, or to extend their flakes and huts by the waterside or behind those of the fishing ships, contrary to ye ancient custom of the fishery. It must be remarked, that notwithstanding Placentia and several other places lately possessed by the French in Newfoundland, were surrendred to Great Britain in compliance with the Treaty of Utrecht, the fishing ships enjoy no other advantage thereby, than by fishing at the Island of St. Peters, the stages, beaches, *etc.* at Placentia and in those parts, being engrossed by some of your Majesty’s subjects inhabiting there. For altho’ the French by the 14th Article of the said Treaty, were only allowed to remove with their movable effects; yet her late Majesty by her letter of 23rd June, 1713, to Col. Nicholson, having permitted them to dispose of their houses, beaches and other immoveables, they were bought up by particular persons in hopes of letting them out annually to the fishermen, which has effectually discouraged

1718.

the fishing trade in that part of the country. To which may be added, that the importation of wine and all other necessaries (except salt) for the fishery by the ships, which proceed to Newfoundland, from Portugal, Spain and other foreign parts, is a discouragement to the Adventurers in general, whose ships are victualed and stores provided in this Kingdom. Nor can we conclude, without taking notice, that we have lately received letters from your Majesty's Consuls, and the merchants residing in Spain, Portugal and Italy, that the fish brought to those markets from Newfoundland, for some years past, has been for the most part so very ill cured, that the consumption thereof is greatly abated, and that the trade is in danger of being thereby lost. Upon the whole therefore, We most humbely crave leave to offer it as our opinion to your Majesty, that this important Fishery can never be revived or restored to its former flourishing state and condition until it be again wholly carried on by fishing ships, according to its ancient custom, and regulated by laws agreeable thereunto. And that the most effectual method to remove all the aforementioned obstructions, and to restrain the irregularities and disorders of the fishermen as well as to encourage ye Adventurers to return to their employmt. would be to remove the inhabitants or planters to Nova Scotia, or to some other of your Majesty's Plantations in America. Nevertheless, least this should be esteemed a hardship on such of the inhabitants as have erected houses or made any other conveniencies for their fishing in Newfoundland under ye encouragemt. which seems to have been given them by the Act of the 10th and 11th Gul. III, we shall shortly beg leave to offer to your Majesty some heads of a Bill for remedying the difficulties and abuses the said fishing trade doth at present labour under, to the great prejudice of your Majesty's British Dominions. [*C.O.* 195, 6. *pp.* 416-464.]

Dec. 22.
Virginia.

799. Lt. Governor Spotswood to Governor the Earl of Orkney. The enclosed Address, Articles, *etc.* will lay open the unreasonable conduct of my adversaries *etc.* What single instance do they give of the many hardships which they say I daily exercise upon the people? Certainly if here had been any grounds for this accusation, the new humour of sending no grievances to the Assembly could never have prevailed so universally throughout all the countys, as it has most remarkably done at this juncture *etc.* *Proposes* to send over a full answer to all the charges against him. The chief contrivers of this plot against him, tho' behind the curtain, are Mr. Commissary Blair and Mr. Ludwell; the first by his brother, and ye other by his son in law (Grimes) dictating to the cabal of malecontents among the Burgesses all the measures they would have the house take to affront and thwart him. These two Burgesses (Blair and Grymes) are noted for the most violent men in the house *etc.* *Continues* :—When I before gave your Lordship an account of the Spring Session, I informed you of what Grimes had moved both in his county and in the House, for ye removal of yr. Lordship, and how tenaciously he has pursued those endeavors, is now manifested by the

1718.

enclosed Address ; the penman whereof everybody here concludes to be the Commissary. When there was lately a stiff debate in Council about allowing an article in the Book of Claims, for giving Mr. Byrd £300 to present and solicit ye Address, I asked Mr. Commissary whether he would declare himself to be so much your enemy as to vote for paying a solicitor to get your Lordship removed ; nevertheless he violently argued, and gave his vote for paying that sum. *Presses him* to exert his intrest to check these turbulent spirits *etc.* I know Byrd's advice from London is : "Furnish me only with a complaint that carries but the face of a grievance from ye Assembly, I will weary out the Ministry here with it, until I gain my ends in removing him " *etc.* A victory for this hereditary faction of designing men would raise them to an insulting hight of power *etc.* I take ye power, intrest and reputation of the King's Governor in this Dominion to be now reduced to a desparate gasp, and if the present efforts of the country cannot add new vigour to the same, then the haughtiness of a Carter, the hypocrisy of a Blair, the inveteracy of a Ludwell, ye brutishness of a Smith, the malice of a Byrd, the conceitedness of a Grymes, and the scurrility of a Corbin, with about a score of base disloyalists and ungrateful Creolians for their adherents, must for the future rule this Province. What I mean by the present efforts of ye country is, that the Counties have of themselves begun to address me, in order to testify the general easiness of the Country under my administration, and to protest against the late proceedings of their Representatives. *Urges him* to use his intrest that the one family faction may not procure another voter in the Council in the room of Mr. Berkley, recommending Mr. Cole Diggs *etc.*, and opposing the reinstating of Mr. Porteous : "for when I called that person to Council, I was strangely imposed upon, not knowing the affinity and attachment he had to the Family, and taking his character from them " *etc.* *Signed*, A. Spotswood. *Endorsed*, Reed. from my Ld. Orkney 24th March, Read 10th April, 1719. *Copy.* 7 pp. [C.O. 5, 1318. No. 59.]

Dec. 22.
Virginia.

800. *Same* to the Council of Trade and Plantations. Having long struggled with a sett of men here, whose designs for many years have been to engross into their own hands the whole power of the Government and to forme a new plan thereof according to their own caprice, but directly opposite to the interest of their Sovereign, as well as of their Mother Country ; It is no wonder that I now share with the rest of my predecessors, the effects of their resentment : it being too well known for these thirty years past, that no Governor has longer escaped being vilified and aspersed here, and misrepresented at home, than he began to discover the intrigues and thwart the politicks of this formidable party, *etc.* Thus a Governors asserting the undoubted prerogative of the Crown in the nomination of Judges, is in the language of these men, a subversion of the Constitution ; and his endeavours to obtain a just payment of the Kings Rents a depriving the people of their ancient rights and priviledges, and by such

1718.

false glosses the ignorant are imposed on to believe, and the knavish encouraged to hope for mighty libertys and advantages by adhering to this Party, and chusing such Representatives as are agreeable to them. But notwithstanding these and many other artifices to foment dissatisfactions among the people, the Country in general is so sensible of its present happiness, that with all the industry of the Party, not one grievance came to the Assembly which mett here on the 11th of last month ; and indeed if ever any people had reason to be easy under a flourishing trade and moderate taxes, an exuberant Treasury, and a profound Peace, it is certain those of Virginia ought to be so. Under these happy circumstances this last Session of Assembly mett, and as the peaceable state of the country gave me no occasion to demand anything in behalf of the Government, everyone expected the Burgesses had nothing else to do, but to call for the few bills which remained unfinished at their former Session, and to lay the levy for discharging the publick creditors : but instead of proceeding on any of their bills that lay before them, the first business they went upon was to re-enact a law which H.M. had very lately repealed viz. that declaring who shal not bear office in this Country. This bill brought in by Mr. Grymes the Deputy Auditor, soon passed the Burgesses without removing the very objection for which it was formerly repealed ; and being sent to the Council found as easy a passage there, tho not without the opposition of some of that Board and particularly Collo. Jenings, who having been at yor. Lordps. Board, when the repeal was under deliberation, argued for leaving out those parts agt. which your Lordps. took exception ; but all objections were in vain, the avowd design of this bill being to exclude from offices, all persons recommended from England. The reasonableness of this sett of Councelors, will further appear by the inclosed Minuts of Council, wherein they advise me to pass this bill, notwithstanding the many just exceptions I represented it lyable to. After passing this bill and one other which I shal mention hereafter, the Burgesses seem'd inclined to no other business. All petitions brought before them, were immediatly referred to the next Assembly, and their Grand Committee converted into a trifling Office of Enquiry into the Capitol furniture ; in which they spent five or six days at the expence of £400 to their country to examine into the state of a few old chairs and sconces of less than £50 value. When many of the more sensible members of that House, tired out with these amusements were return'd home, as apprehending no business of moment would be brought in, and others believing their presence unnecessary, were gone to take the diversion of a horse race near the town, the Party managers watched that opportunity to bring in an Address to the King, with a long roll of Articles ; in the first charging me in general with subverting the Constitution of their Government, depriving them of their ancient rights and priviledges, and daily exercising hardships on H.M. good subjects : and in the second with divers particulars facts to prove their pretended accusation. Without examining the truth of any one of these Articles, the Address containing the

1718.

general charge was first put to the vote, and carryed by the suffrages of 22 against 14 that opposed it, there being then no less than 15 Members absent, who would have been of the latter opinion. Having thus obtained their Address to pass, the Speaker was immediately commanded to sign three fair copys, wch. were brought in ready drawn for that purpose ; and then they proceeded to consider the Articles, but upon hearing the falsehood of many of them exposed, those who readily voted for the Address upon the faith of their leaders, began to be startled and would not so easily give in to what they found could not be proved, and so put off the debate till next day, when eight of the Articles were entirely struck out as groundless, and the rest which are intended to support their charge so much altered from the first draught, that those who opposed the Address consented to let them pass purely to expose the weakness and malice of my accusers. I herewith transmitt to yor. Lordps. a copy of the Address and Articles as they passd the House, whereby your Lordps. may judge whether the latter, if they were really true, are sufficient to convict me of subverting the Constitution of the Government, or oppressing the King's subjects. I have also added the whole Articles given in that yor. Lordps. may see the malice of these men in charging me with crimes wch. they themselves could not justify to be true. Time will not allow me at present to enter upon a full answer to this charge neither would it be proper to send one by this uncertain conveyance : but I shall in a very short time send over a Gentleman well acquainted with the affairs of this Country *etc.*, who will be able to give yor. Lordps. a true light into those things which my adversarys have industriously misrepresented, or which their Agent Mr. Byrd may craftily insinuate to my prejudice : and besides I have not the least doubt of your allowing me a reasonable time to be heard *etc.* In the mean time *refers to enclosures as a brief answer.* When your Lordps. shal be pleased to consider the first of the Burgesses Articles I hope you will be pleased to entertain a more favourable opinion of Virginia than to beleive that the persons concern'd in that unintelligible composition, are the wisest or most learn'd of its legislators : but tho I ought not to quarrell with my accusers' understandings, I may be allow'd with justice to expose their dishonesty, wch. in this particular is very notorious *etc.* I am accused of putting a misconstruction on the law for settling the titles and bounds of lands, and of endeavouring to extend that clause thereof making three years non-payment of quitt rents a forfeiture of the land granted after the passing that law, to other lands wch. were granted long before. Now, my Lords, I do affirm, that this charge is utterly false. I never had a thought of extending that law *etc.* and no occasion. The Law cited was passed in 1710, and in less than three years thereafter viz. in 1713 another Act of Assembly was made *declaring what shall be accounted a sufficient seating etc.*, wherein there is a clause declaring in express words, That all lands for which the quittrents shal be three years in arrear, shal revert to the Crown. This I acknowledge to have construed according to the sense it will naturally

1718.

bear, according to the intention of those that made it, and the interpretation the whole country put on it till of late, that a party of the Council thought fitt by their own absolute will and pleasure to declare it to have no meaning at all *etc.* I challenge them to produce one single instance of any man's paying more quittrents than he is bound to, by the condition of his patent, or that I have disseised any one of his freehold for non-payment by colour of this Act : a power being still lodged in the Governor to regrant the land forfeited to the same proprietor from whom it reverts. As the chief design of this law was to obtain justice to the King without the least intention to injure the subject, so I have on divers occasions declared that if the Burgesses would by a new law, make a reasonable provision for the just payment of the quitt rents, I would consent to the repeal of this, and I even offered to consent, that it might be declared by law that whoever should enter the true quantity of his lands on the Receiver Generals books, should incur no forfeiture for the non-payment of his quittrents untill a reasonable time after the same should be demanded by the Kings Officers : But the party who have always opposed the Kings interest, foreseeing that this would necessarily tend to the obtaining a true rent roll of the Colony, would by no means hearken to this proposal. From all which your Lordps. will judge, whether my endeavouring to obtain a just payment of the Kings rents, according to the express words of a law in force, or this party of men aiming to defraud their Sovereign of the acknowledgment due by the very condition of their own patents, be most like an attempt to subvert the Constitution ? and whether a people have just cause to complain of the hardship of a law, who refuse all overtures for amending it ? My accusers designed to represent me as a person so ignorant as not to understand the common sense of their laws, or such a tyrant as to wrest them to purposes quite forreign to the true intent thereof *etc.* They knew very well that the law made in 1713 is that which I have always contended for *etc.* As soon as they found the people alarm'd at this law, and preparing to give up a true account of their lands to prevent the forfeiture thereof, they spread a report about the countrey that the Kings Attorney General in England had declared his opinion that this law extended only to lands granted after the passing thereof, and that no man had occasion to fear the forfeiture of any lands patented before : they declared this to be their own opinion too on all occasions, and to make it the more publick took an opportunity to argue it on the General Court Bench, without having any case in judgment before them wch. required their opinion in that point : and to show the people how little they valued the effect of that law, divers of the same party let their lands run in arrears, as an example to others to act the same part. I can scarce believe that the Kings Attorney General gave any such opinion, unless it was on the law with which I am now charged, for all the lawyers here are clear that the Act in 1713 doth extend to all lands whatsoever, as indeed it was the intention of the makers that it should. The other three Articles will appear to be very frivolous, when I

1718.

come to set forth the truth of the matters *etc.* I shal only now give a brief character of the persons chiefly concerned in framing the present accusation against me *etc.* The two late Officers of the Revenue are particularly offended at my enquiry into their mis-managements. Yor. Lordps. may be pleased to remember that in Aug. 1714 I received a particular charge from yor. Board to transmitt an account of the several branches of the Kings Revenues, the application, and manner of auditing thereof; I no sooner began this inquiry, than I found many abuses in the collection and the utmost confusion in the accompts of these Revenues, which I thought highly necessary to reforme: but as both the Officers strenuously opposed any such regulation, so Mr. Byrd thought fitt soon to withdraw to England, carrying with him all the books of the Revenue (if he ever kept any) and has continued there ever since, ready on all occasions to do me ill offices, instead of returning to clear himself of those frauds wch. have been discovered in his management during his being Receiver General. This Gentleman (as is publicly talkd here) has advised his accomplices that they had no other way to carry their point, than by getting the Assembly to petition H.M. to remove me. And Collo Ludwell his chief correspondent here, undertook that task. As both these gentlemen were closely united in their opposition to my endeavours for reforming the abuses in the Revenue, so the latter (who is a man of implacable malice and resentment) can never forgive my suspending him from the office of Auditor: He it is, who with the assistance of his brother in law Mr. Commissary Blair, the constant instrument of faction against all former Governors, has set himself up for the Head of that Party *etc.* Amongst the two and twenty Burgesses who voted the present accusation against me, there are Mr Grymes the Deputy Auditor son in law to Mr. Ludwell, a man of the same principles with him in relation to Government, and pursuing the very same schemes in the management of the Kings Revenue. Mr. Corbin married to one of the same family *etc.*, and turned out of the place of Naval Officer, for no less an offence than forging the late Queen's letter, for clearing a ship in his district *etc.*, and consequently a person disobliged *etc.* Mr. Blair brother to the Commissary and both partners in trade with Mr. Ludwell; a member chosen (by much industry) for the almost deserted corporation of James City, merely for his remarkable scurrility and insolence. Three more of the same party displaced from being Justices of the Peace, and one from the office of an Agent under the Tobacco law for evil practices in their offices by the advice of these very Councelors who now use them as their tools; and divers others disobliged for being refused the imployment they had a mind to, as indeed it is very common for some here to look upon anything that's refused them to be so much taken away from them, and the less they are qualify'd for the offices they aim at, so much the greater is their resentment for being denied. These are my only accusers, for as to several others drawn in to vote on the same side, they have already owned their error in being so easily imposed on, by the crafty insinuations of these Party managers,

1718.

and it will not appear strange if among two and fifty men (of which the Burgesses House is composed) there should be found some of weak understandings, as well as others liable to corruption and neither proof against the arts of an industrious party when they have so great a point to carry. But however this Party of men may triumph in their gaining a small number of the Burgesses to joine with them in an unrighteous accusation, their joy is like to be but short lived, the people in general begining already to condemn their proceedings, and as the principal gentlemen of the country are resolved to give publick testimonys of their satisfaction with my administration, and their dislike of the late Assemblys behaviour I doubt not in a short time to send yor. Lordps. Addresses from most parts of the Colony vindicating me from what I am charged with ; as I now send coppers of what I have already recieved on this occasion. In my letter of the 14th of August last, I gave yor. Lordps. an account that one Capt. Tach a noted pyrate in a ship of 40 guns run ashore in June, at the mouth of Ouacoch Inlett in North Carolina where that ship and two of the four sloops he had under his command were lost, and that he and his crew had surrendered to the Governor of that Province. Since which one Howard, Tach's Quartermaster, came into this Colony, with two negros which he own'd to have been piratically taken, the one from a French ship and the other from an English brigantine. I caused them to be seized pursuant to H.M. Instructions, upon which, encouraged by the countenance he found here, he commenced a suit against the officer who made the seizure, and his insolence became so intollerable, without applying himself to any lawful business, that the Justices of the Peace where he resided thought fitt to send him on board one of the Kings ships as a vagrant seaman. Hereupon he caused not only the Justice who signed the warrant but the Captain and Lieutenant of the man of war to be arrested each in an action of £500 dammages. And one of the chief lawyers here undertook his cause. This extraordinary behaviour of a pyrate well known to have been very active in plundering divers vessels on this coast but the year before, occasioned a more strict enquiry into his course of life after his departure from hence, and at last it came to be discovered that tho he and the rest of Tache's crew, pretended to surrender and to claim the benefite of H.M. Proclamation, they had nevertheless been guilty of divers piracys after the fifth of January for which they were not entitled to H.M. pardon. I therefore thought fitt to have him brought to a tryal, but found a strong opposition from some of the Council agt. trying him by vertue of the Commission under the great Seal pursuant to the Act of the 11th and 12th of King Wm. tho I produced the King's Instruction directing that manner of tryal ; but having at length overcome their scruples, I had this person tryed and convicted of taking and destroying no less than twelve ships and vessels after the 5th of January and long after notice of H.M. Proclamation. About the time of this tryal I received advice from North Carolina, that Major Bonnett who was one of Tach's associates and surrendered with him, was gone out again in a sloop, and

1718.

betaking himself to fresh piracys had been taken by some vessels fitted out for that purpose by the Government of South Carolina. That Tach with divers of his crew kept together in North Carolina went out at pleasure committing robbery on this coast and had lately brought in a ship laden with sugar and cocoa, which they pretended they found as a wreck at sea without either men or papers, that they had landed the cargo at a remote inlett in that Province and set the ship on fire to prevent discovery to whom she belonged : and having at the same time received complaints from divers of the trading people of that Province of the insolence of that gang of pyrates, and the weakness of that Governmt. to restrain them, I judged it high time to destroy that crew of villains, and not to suffer them to gather strength in the neighbourhood of so valuable a trade as that of this Colony. Having gained sufficient intelligence of the strength of Tache's crew, and sent for pylots from Carolina, I communicated to the Captains of H.M. ships of war on this station the project I had formed to extirpate this nest of pyrates. It was found impracticable for the men of war to go into the shallow and difficult channells of that country, and the Captains were unwilling to be at the charge of hyring sloops wch. they had no orders to do, and must therefore have paid out of their own pocketts, but as they readily consented to furnish men, I undertook the other part of supplying at my own charge sloops and pilots. Accordingly I hyred two sloops and put pilotes on board, and the Captains of H.M. ships having put 55 men on board under the command of the first Lieutenant of the *Pearle* and an officer from the *Lyme*, they came up with Tach at Ouacock Inlett on the 22nd of last month, he was on board a sloop wch. carryed 8 guns and very well fitted for fight. As soon as he perceived the King's men intended to board him, he took up a bowl of liquor and calling out to the Officers of the other sloops, drank Damnation to anyone that should give or ask quarter, and then discharged his great guns loaded with partridge shott, wch. killed and wounded twenty of the King's men who lay exposed to his fire without any barricade or other shelter ; he resolutely entered the first sloop which boarded him, nor did any one of his men yeild while they were in a condition to fight. His orders were to blow up his own vessell if he should happen to be overcome, and a negro was ready to set fire to the powder, had he not been luckily prevented by a planter forced on board the night before and who lay in the hold of the sloop during the action of the pyrats. Tach with nine of his crew were killed, and three white men and six negros were taken alive but all much wounded. The loss of the King's men is very considerable for the number, there being (?) ten killed in the action, and four and twenty wounded of whom one is since dead of his wounds. I do myself the honour of giving yor. Lordps. the particulars of this action because, it has, I hope, prevented a design of the most pernicious consequence to the trade of these Plantations, wch. was that of the pyrats fortifying an Island at Ouacock Inlett and making that a general rendezvouze of such robbers. While the preparations for this service were carrying on, I proposed to our

1718.

late Assembly and prevailed with them to pass an Act giving rewards for apprehending and destroying of pyrates, by which there is to be paid particularly for Tach £100, and half the rewards promised by H.M. Proclamation, for every one of his, or any other crew of pyrates taken on this coast, to be paid out of the publick money now in the hands of the countrey's Treasurer : but I did not communicate to the Assembly nor Council, the project then forming agt. Tach's crew for fear of his having intelligence, there being in this country and more especially among the present faction, an unaccountable inclination to favour pyrates, of which I begg leave to mention some instances. Besides the favour shown to Tache's Quarter Master in advising him to sue for his liberty and for his pyratial effects ; some of the same gang having pass'd through this countrey in their way to Pensilvania, and contrary to my Proclamation assembling in great numbers with their arms, and endeavouring to debauch some sailors out of the merchant ships to joine them, the Officers of the Government could find none to assist in the disarming and suppressing that gang. On the tryal of some pyrates lately brought hither, arguments have been used to justify their villanys, and to acquitt them, upon the bare allegation of their being forced into that wicked Association without any proof, or so much as a probability of their acting by constraint. I received some days ago the honr. of yor. Lordps. of the — of August and H.M. Commission for pardoning pyrates, wch. came very seasonably to save Howard the Quartermr. then under sentence of death, but by H.M. extending his mercy for all piracys committed before the 18th of August, is now set at liberty. I must on this occasion intreat yor. Lordps. directions as well concerning the effects of this man as of others wch. appear to have been piratically taken. By H.M. Instructions I am commanded to seize and secure the effects of all pyrats brought in here ; untill H.M. pleasure be signified therein : and by H.M. late Commission, I observe that all forfeitures are remitted to such as surrender within the time therein mentioned : what I am therefore in doubt of is, whether by the remitting all forfeitures, H.M. intends only to restore the pyrates to the estates they had before the committing their pyracies, or to grant them a property also in the effects wch. they have piratically taken. There is besides the two negro boys, about £50 in money and other things taken from the aforementioned Howard, and now in the hands of the Officer who seized it on H.M. behalf, of wch. an inventory is lodged in the Secretarys Office here. I therefore pray yor. Lordps. advice and commands how these effects are to be disposed, where the person in whose possession they were found is pardoned. I also expect from North Carolina a considerable quantity of sugar and cocoa, wch. were in the possession of Tach and his crew, and appear to have been the lading of that ship wch. they lately brought in there under pretence of a wreck, but in reality was taken piratically near Bermuda from the subjects of the French King, and the men put on board a ship of the same nation taken at the same time, as some of Taches crew now in custody alledge. If these men

1718.

were saved alive it is probable they may lay claim to the lading of their ship : but if they are not, there is some consideration due to the Officers and men who rescued the same out of the hands of the pyrates *etc.* Observing by the publick prints as well as the letters from divers of the merchants. that the French settlement on Mississippi, begins to make a considerable noise in the world, I cannot forbear taking notice of one particular circumstance thereof, for which I cannot find any foundation. It is advised by a letter from South Carolina inserted in the Political State for the month of August last, that the French had formed a design in conjunction with some of their neighbouring Indians to cutt off the Cherikees, and the writer of that letter is so particular as to mention the precise time, when, and the number of men by whom, it was to be put in execution. The traders imployed by the late Indian company who have been among the Cherikees all the last summer arrived here a few days ago with about 70 horse load of skins, and brought in with them four of the Great men of that Nation, declare that they heard of no such discourse there ; tho they left the Cherikee country long after the time mentioned for this supposed attack from the French : besides that the Cherikees being a numerous Nation consisting of upwards of 4000 fighting men, and seated in the fastnesses of the great mountains are not so easily to be destroyed by the small numbers wch. the Carolina intelligence says are marching against them. So that it is not improbable, but that the French hopes from their new settlement may be as ill grounded, as the Carolina fears of their Indian neighbours. But whatever may be the progress of this new Colony, it is certainly the British interest to obstruct its growth, not only by interrupting the communication between that, and Canada, but by extending our commerce among the Indians, and particularly by cultivating a good correspondence with these Cherikees who are now very friendly to the English, and especially to those of this country imployed among them by the gentlemen of the late Indian Company and who have furnished them with arms and ammunition in greater proportion than the people of Carolina are capable of supplying. By the account I have had from our Indian traders these Cherikees are little farther distant from Virginia than they are from Charlestown : They are an increasing people, and the rather to be courted because of the barrier they may afford us agt. this new settlement of the French : whereas those Indian Nations that inhabit among or near the British settlements are of small account, by reason of their daily decrease, such are the Cattawbaws who from a powerful nation, are of late become much lessend, by a remarkable dispensation of Providence in rendring their women for the most part barren ; as if Heaven design'd by the diminution of these Indian neighbours, to make room for our growing settlements. The scarcity and dearth of iron, which the merchants of England have for some time complained of, and the people here have sensibly felt, may I hope be happily remedied by the late discoverys of mines in this Colony : one of which has been found at the head of Rappahannock River, by some German miners wch. I employed

1718.

in that service, wch. is reputed richer than any in Europe, and lyes within less than ten miles of water carriage. Several gentlemen here are concerned with me, and ready to set up an iron works if it may be allowed : and I am not without hopes of discovering other mines of a nobler mettall, as soon as the country comes to be seated nearer the Great Mountains (over which I discovered the passage) and which may serve to check the vain boasts of the Spaniards, as if the Treasures of the Universe are solely committed to them. I shall conclude this letter with informing yor. Lordps. of the death of Mr. Berkeley one of the Council here, in whose stead I humbly recommend Mr. Cole Digges, a gentleman of good parts, and of an estate wch. may be reckoned amongst the first in this country, he is descended of an honble. Family in England, and his father served for divers years with great reputation in the office of a Councelor and Deputy Auditor here. This gentleman lives near the seat of Government, and is on that account preferable to others whose remoteness makes them unwillingly attend on the business of the Council. *Signed*, A. Spotswood. *Endorsed*, Recd. 13th, Read 29th April, 1719. 13 pp. *Enclosed*,

800. i. Minutes of Council of Virginia, relating to the Bill *declaring who shall not bear office etc.* Same endorsement. 2 pp.

800. ii. (a) Address of the House of Burgesses of Virginia to the King. Nov. 20, 1718. *We lay before your Majesty* several attempts of the Lieut. Governor towards the subversion of the Constitution of our Government the depriving us of our ancient rights and priviledges and many hardships wch. he dayly exercises upon your Majestys good subjects. *Pray H.M.* to receive some particulars from the Honble. William Byrd Esq. "whom we have desired to appear in behalf of your oppressed subjects of this Colony being deprived of any other means whereby to make known to your Majesty our just grievances by our remote scituation, which misfortune we find greatly increased by being governed by a Lieutenant Governor while the Governor in chief resides in Great Brittain to which we attribute many of the difficulties we now labour under. It is with great comfort we behold your Majesty earnestly imploying yourself in defence of the liberties not only of your own subjects, but of all Europe." *etc.* *Signed*, Daniel McCarty, Speaker.

(b) Instructions to Wm. Bird, Agent for the Colony of Virginia. To present *the above* Address to H.M. and the following particulars against the Lieut. Governor That he hath by a misconstruction of our laws as much as in him lay perverted many of them particularly that for settling ye titles and bounds of lands, which makes it a condition of the patents, that they are to forfeit them if they fail three years of paying their quit rents, which he hath endeavoured to extend to lands granted

1718.

before that law which have no such condition in their patent or grant. His construction of the law for finishing of the Governor's House, whereby he lavishes away the country's money contrary to the intent of the law and even beyond what the words of the law will bear, and hath hitherto refused any redress therein. That he endeavoured to deter ye Justices of the Countys from levying the Burgesses salary settled by law. That he hath by provoking speeches and messages abused the House of Burgesses and thrown undeserved reflections upon them. That this Country hath no way to represent its grievances but by an Agent, that we seldom complain but when much oppress by our Governor in which case the Governor will hardly be prevailed with to consent to the paying an Agent for his trouble and necessary disbursements, wherefore you are to endeavour to obtain an Instruction to our Governor to consent to any such necessary payment when the House of Burgesses shall meet. *Copy.* 1½ pp.

800. iii. Copy of Instructions to Wm. Bird as originally brought in to the House of Burgesses, containing 14 grievances against the Lt. Governor (*v. covering letter*). *Endorsed*, Recd. 13th, Read 29th April, 1719. 1 p.

800. iv. Lt. Governor Spotswood's messages to the House of Burgesses Nov. 22 and 28. *Copy.* 2¼ pp.

800. v. Copy of Lt. Governor Spotswood's Speech to the House of Burgesses when proroguing the Assembly. *Endorsed*, Recd. 13th, Read 29th April, 1719. *Copy.* 2½ pp.

800. vi. Address of Henrico County to Lt. Governor Spotswood. Disown the charges brought against him by the clamours of a few prejudiced men *etc.* *Same endorsement.* *Copy.* ½ p. [*C.O.* 5, 1318. Nos. 61, 61 i.-vi.]

Dec. 23. **801.** H.M. Warrant to the Attorney and Solicitor General
St James's, to prepare Commissions empowering Governors of Plantations
to pardon pirates according to the Proclamation of 21st Dec.
Countersigned, J. Craggs. *Copy.* [*C.O.* 324, 33. pp. 196-201.]

Dec. 24. **802.** Council of Trade and Plantations to the King. Repre-
Whitehall, sentation upon Act passed in Antigua 2nd Oct. last *for laying an
additional duty on wines and other strong liquors wch. shall be
imported into this Island*, the purport [of] which Act is to revive
an Act of the same nature pass'd in 1717 which laid an additional
duty of 20s. p. pipe on all Madera wines, and 50 p. cent. on other
liquors imported for sale over and above what was laid by a
former Act pass'd 1697 *for raising an impost on all liquors
imported etc.* And it enacts that no sum of money to be rais'd
by this Act shall be issued, but by virtue of an order in writing
sign'd by the Commander in Chief one of the Council and the
Speaker of the Assembly and is to continue in force three years
from ye time your Majesty shall be pleas'd to confirm the same.

1718.

By your Majesty's Instructions to your Govr. he is requir'd to take care that no money be issu'd but by warrant under his hand by and with the advice and consent of the Council ; But by the foresaid Act this power which your Majesty has thought fit to lodge in your Governour, is in effect taken from him, since no money can be issu'd but by an order under the hand of the Governour, one of the Council and Speaker of the Assembly, which we conceive derogatory to your Majesty's Royal Prerogative, and ought not to be allow'd of besides that the mony to be rais'd by this Act is not given to your Majty. as required by your Majesty's Instructions to the Governour, therefore we humbly offer, that Your Majty. be pleas'd to signifie your disallowance of the said Act which can be of no prejudice to the Island since the Governour not knowing how far this duty might affect the trade and shipping of this Kingdom, had a clause inserted declaring that the Act shall not be in force till your Majesty's pleasure be known, pursuant to his Instructions in that behalf. So that upon the receipt of your Majesty's disallowance of the said Act they may have an opportunity of passing another not lyable to these objections. [*C.O.* 153, 13. *pp.* 382-384.]

Dec. 24.
Whitehall.

803. Circular letter from Mr. Secretary Craggs to Governors of Plantations. I am to acquaint you, that on Tuesday the 16th inst. a great Council was held at St. James's, where H.M. signed a Declaration of War against Spain, and ordered, that the same should be published the next day by the Heralds at Arms *etc.* ; and H.M. having communicated the same to both Houses of Parliament, they have presented Addresses to assure H.M. of their assisting and supporting Him in the sd. war ; and I am commanded to send you a printed copy of the sd. Declaration, with a signification of H.M. Pleasure, that you cause it to be proclaimed in the places under your Governmt., that His subjects, having this notice, may take care to prevent any mischief, which otherwise they might suffer from the enemy, and do their duty in their several stations to annoy the subjects of Spain ; and H.M. would have you be very rigorous and severe in preventing any ammunition or stores of any kind from being carried to them, and you are to use all proper methods, that may be most effectual for this purpose. The Regent has also agreed, that the like Declaration of War shall be made in the name of the French King at Paris. I am further to acquaint you, that since the King's last Proclamation bearing date the 5th of September 1717, relating to the surrender of the pirates in the West Indies, H.M. has been pleased to issue another Proclamation of the same kind (which I herewith transmit to you) for enlarging the time of their surrender to the first of July next ; and that the terms thereof may be most strictly and punctually complied with, I transmit to you at the same time H.M. Commission under the Great Seal, authorizing and commanding you to grant H.M. full and free pardon to all such pirates, as are, or shall be entituled thereto, by surrendring themselves within the time limited by the sd. Proclamation ; as likewise H.M. Commission under the Great

1718.

Seal for the trying such other pirates as have been, or shall be taken, after their having refused the terms of H.M. mercy offered to them. But as to those, who have surrender'd, or shall hereafter surrender themselves, pursuant to the two abovementioned Proclamations, it is H.M. pleasure, that you should grant His free and gracious pardon to them without any exception or reserve. And I am the more particular in signifying H.M. commands upon this occasion, because there has been a general outcry and clamour here, as if great advantages had been, or were proposed to be made by particular persons upon the surrender or pardon of the pirates. As these practices are very unjustifiable in themselves, so they must tend in a great measure to defeat H.M. gracious intentions, and be of dangerous consequence to the Publick, and therefore I am hereby to acquaint you, that in case any of H.M. Governors, or any others concerned in the surrender or pardon of any of the pirates shall receive any sum of money or any other gratuity or advantage whatsoever on account thereof, it is H.M. intention, that he or they so offending shall be prosecuted with the utmost severity of the Law. I hope you will not imagine, that what I say upon this head, is pointed at you, or any other person in particular, since it is by the express order of H.M. in Council, that I have been directed to give this intimation in a circular letter to each respective Governor in the West Indies. *Signed*, J. Craggs. [C.O. 324, 33. pp. 202-204.]

Dec. 24.
Whitehall.

804. *Same* to the Deputy Governor of Pennsylvania, the Governor and Company of Connecticut and of Rhode Island, the Lords Proprietors of Carolina and Lord Guilford, Guardian to the Lord Proprietor of Maryland. *As preceding, omitting last paragraph relating to pirates.* *Signed*, J. Craggs. [C.O. 324, 33. pp. 204-206; and 5, 1233. No. 58.]

Dec. 24.
St. James's.

805. H.M. Warrant for a Commission to John Knight to be Secretary and Clerk of the Crown of the Leeward Islands, and revoking the Letters Patent of Charles Hedges. *Signed*, J. Craggs. *Copy*. [C.O. 324, 33. p. 210.]

Dec. 24.
Whitchall.

806. Mr. Tilson to Mr. Popple. Encloses following, by my Lord Stanhope's order, to be laid before the Council of Trade and Plantations for their consideration. *Signed*, Geo. Tilson. *Endorsed*, Recd. 24th, Read 31st Dec., 1718. 1 p. *Enclosed*,

806. i. William Comes to Lord Stanhope. I am a sailor *etc.* There came into Cales five ships from New England full of stores of masts, oak, timber and plank for that King's service. I hope it will be enquired into and wicked men punished, all other ships are seized no more but your humble servant. *Signed*, William Comes. $\frac{1}{2}$ p. [C.O. 5, 867. Nos. 21, 21 i.; and 5, 915. p. 240.]

Dec. 24.
Nassau on
Providence.

807. Governor Rogers to Mr. Secretary Craggs. By the ship *Samuel*, 11th Nov., being the first opportunity I have had since my arrival, I sent three men prisoners being accused of

1718.

piracy and the evidences *etc.* I was at that time too weak to bring them to a tryal, for most of the people here having led the same course of life notwithstanding their seeming concurrence of being quiet under the present Government, I did not know but if I had adventur'd to have try'd them and brought to execution, but an insurrection might have rescued them from the guards and since I did not think myself secure to try the pirates I did not give myself time to consider the power I had to try them in case of necessity, wch. I have since done my reasons are here enclosed wch. I was not willing to make publick here, or even to trust a coram of my Council. A little after the *Samuel's* departure, I receiv'd advice of Sir George Bing's success against the Spaniards in the Mediterranean which wth. other circumstances seem'd to me that the war were either proclaim'd or on foot. These advices I was glad to believe for on my strong remonstrances to the people of the great probability of an actual war I readily procur'd their assistance wch. wth. much application and expence of provisions and liquors having supplied whilst at work extravagantly with both, the fort is now made tenible and in the manner laid down in the draught herewith sent. The people did for 14 days work vigorously, seldom less than 200 men a day, but nothing but their innate thirst of revenge on the Spaniard could prompt them to such zeal, which was so strong that they forgott they were at the same time strengthning a curb for themselves. Having lately had intelligence of certain pirates who had run away wth. some vessels fitted out of this port and where they might be found I equipped a sloop with sufficient men and arms under ye command of Capt. Hornigold and Cockram who had themselves been pirates, but accepted of H.M. Act of Grace and by their behaviour since my arrival gave me full confidence of their sincerity, wch. has been successfully confirmed by their apprehending them to the number of 13, three whereof dyed of their wounds; I am glad of this new proof Capt. Hornigold has given the world to wipe off the infamous name he has hitherto been known by, thô in the very acts of piracy he comitted most people spoke well of his generosity. These last prisoners were brought to me when I was made stronger and after a leisure I had to peruse and consider of my power invested by my Commission and Instructions *etc.* *Encloses proceedings etc.* One George Rounsivell I reprieved under the gallows, till I know H.M. pleasure *etc.* He is the son of loyall and good parents in Dorsetshire *etc.* *Begs* his intercession with H.M. *etc.* *Continues* :—I design to send an accessary of piracy and such evidence as I can best procure by a ship yt. I believe will saile hence in about a month. I have five more now in custody suspected guilty of piracy since H.M. Act of Grace. As soon as the Fort is finish'd and all the guns mounted wch. I hope will be done before the Christmas holy days are over, I will then do the best I can to make examples of some of them. By wch. time I hope to have more of them in custody, we having two small cruizers mann'd with 50 men now out to look for two pirates yt. are newly sett up wth. about 15 men each. It's near three months and a half since Capt.

1718.

Whitney, H.M.S. *Rose*, left me in a great extremity, to go to the Havana carrying a letter from me and some Spaniards that was left here with him, and promis'd to return in three weeks at most, but now I hear he's got at New York and writes hither that the Spaniards designe to begin with us first and yt. the Governour of the Havana takes no notice of my passes but keeps the men of this Governmt. that falls into their hands in custody, this Capt. Whitney pretends he was drove from the Havana to New York by stress of weather. I very much wonder how it was possible he could shere clear of Providence that lyes so directly in his way. There are three more of H.M. ships at New York that has layne there some time whilst the pirates has been very troublesome to us and Carolina and almost everywhere in the West Indies. I beg if any of H.M. ships are order'd this way for the future, that they may be under ye direction of ye Government and Council, especially whilst they are here, and then we may be capable to joyn them in serving the Publick. I would not undergoe the like fatigue and risque as I have done ever since I have been here for the proffits of any employ upon earth but I hope I am now out of danger at least of ye pirates, and if the Spaniards come it must be with a greater force then I hope they'l spare for some time, whilst I may have recruits and another Independt. Company from England, no time shall be lost to make this place not less considerable then can be expected after so many misfortunes and disappointments amongst a very odd sort of people with. so small a beginning. I hope ye extraordinary charge I have been forc'd to put the Gentlemen to, that has been so generous to employ me in serving ye publick will be made up by the publick, my utmost ambition being to demonstrate myself deserving the honour and trust H.M. has been pleas'd to bestow on me *etc.* Signed, W.R. . Copy of letter sent by James Ker via Carolina. 10 pp. [C.O. 23, 13. ff. 20-24 v.]

Dec. 24.
Whitehall.

808. Council of Trade and Plantations to the King. *Enclose following and refer to Representation of Dec. 19 upon the Newfoundland trade, "which in our opinion can never be retrieved but by your Majesty's assent to some Law for preventing the many difficulties and abuses it doth at present labour under," etc. Annexed,*

808. i. Heads of a Bill for remedying the abuses in ye Newfoundland Trade. *Abstract* :—(i.) Trade and Fishery to Newfoundland to be open and free to all H.M. subjects, provided the fishing ships are victualled in this Kingdom with all necessaries, salt excepted, for the whole voyage or fishing season. No alien or stranger (not residing in Great Britain) shall take any bait or use any sort of fishing or trade in Newfoundland or in any of the islands or places adjacent. (ii.) No fishing ship to carry to Newfoundland any other person than such as truly belong to the ships company. Masters, owners or freighters to give bond at the Custom House in £100, not to transport any other, and to bring back into this

1718.

Kingdom all such fishermen or other persons as they shall carry out, mortality and danger of the seas excepted, as also such persons as shall be employ'd from Newfoundland in British ships with fish for market voyages. In case of deserters, the masters paying such persons' share or hire to the Collector at the port whence the ship set out, shall be discharged of their bonds ; or if no complaint be made against them in three months after their return. (iii.) No fishing ship to carry more than 60 persons to 100 tons burthen. (iv.) Fishing ships to carry one green or fresh man in every five. The master to take oath thereof before the Collector at the port from whence he intends to sail, without fee. (v.) No fishing ship to depart out of Great Britain directly for Newfoundland on a fishing voyage, in any year before 10th March, nor to the Isles Cape Verd intending from thence to Newfoundland, before 15 Jan. (vi.) According to the ancient custom used in Newfoundland, every such fishing ship from Great Britain, or such fishermen as shall first enter any harbour or creek in Newfoundland in behalf of his ship, shall be Admiral of the said harbour or Creek during that fishing season, and for that time shall reserve to himself so much beech or flakes or both, as are needfull for the number of such boats as he shall there keep, with an overplus only for the use of one boat more than he needs, as a privilege for his first coming thither. The masters of the second and third fishing ship to be Vice-Admiral and Rear Admiral *etc.* All ships arriving to be accommodated according to the time of their arrival with such beech or flakes as they shall have necessary use for and no more *etc.* (viii.) And whereas several of your Majties. subjects inhabiting in Newfoundland have possessed themselves of beaches, flakes, stages, rooms and other conveniences for fishing, over and above what is necessary for the drying, curing or husbanding their fish, and making of oyle, to the great prejudice and discouragemt. of the Fishery ; none of the inhabitants shall henceforth retain or possess in any year, during the fishing season, any beach, flakes, stages, rooms, trainfats, or places for fishing, other than such as are needful for the number of boats they shall respectively keep and actually employ in the Fishery there, and all others released for the publick use of fishing ships *etc.* (viii.) No inhabitant or planter shall alienate, sell or dispose of his stages, rooms, flakes, beach trainfats or fishing places to any person ; if he shall quit the same, they shall remain to the publick use of the fishing ships *etc.* Nor shall any person who may hereafter become an inhabitant in Newfoundland pretend to or meddle with any stage, room, beach, flakes or other conveniencies, or make use of any such until 30 days after the arrival of the Admiral or the three

1718.

first fishing ships in each respective harbour. (ix.) No ballast to be thrown into the harbours. (x.) No damage to be done to stages *etc.* on departure, but these shall be repaired with timber from the woods and not by breaking down stages left *etc.* (xi.) Trees not to be rinded *etc.* (xii.) Marks of boats or trainfats not to be defaced. Nets and bait not to be stolen *etc.* (xiii.) Capital crimes to be tried in any county in England. (xiv.) And whereas it has been found by experience, that the selling and retaling of wine, beer, rum, and other strong liquors to the seamen and fishermen at Newfoundland. was always prejudicial to the Fishery, and that for many years past the Adventurers have been greatly discouraged by the negligence, debaucheries and disorders of the fishermen and seamen from engaging in the said Fishery ; No person shall set up or keep any tavern or victualling house in Newfoundland, for selling of wine, beer, rum or any other strong liquor, nor shall sell or cause to be sold either publicly or privately, any such liquors by retale, to any seaman or fisherman or other person whatsoever, on penalty of forfeiting all the wine, or the other strong liquors that shall be found in his own, or in the possession of him or them that employ'd him, one half whereof to the informer or informers, and the other half to your Majesty, for the use of your Majesty's ships of war, and of your Majesty's garrisons in Newfoundland. (xv.) All wines, rum or other strong liquors imported from any place except Great Britain shall be forfeited and similarly disposed of. (xvi.) And whereas the masters of the ships in general permit the seamen to run into the inhabitants' debt for strong liquors in order to secure their wages on account of what ye inhabitants owe unto the said masters ; whereby many of the poor seamen have been constrained either to remain in ye country as servants to the planters or inhabitants, or to dispose of themselves for New England ; and in the meantime their families become burthensome at home to their respective parishes ; to prevent therefore this pernicious practice, no wages, hire or share of the voyage shall become due to any seamen or fishermen whatsoever serving on board any of the fishing ships that proceed annually to Newfoundland, until ye ship arrive at her discharging port, and her lading shall be put on shore ; nor shall the masters advance wages to any of their ship's company *etc.*, on penalty of repaying the same again at the expiration of the voyage *etc.* (xvii.) Deserters shall lose their wages and be brought home by one of H.M. ships of war and committed by the chief magistrate at the first port in this Kingdom for 3 months hard labour. (xviii.) The Admirals of the Harbours in Newfoundland shall take bonds in £100 from the masters of all vessels bound

1718.

thence to New England or any other Colony conditioned to depart before or at the time your Majesty's convoys shall sail for Europe, and not to return to Newfoundland again that year, nor carry away any seaman or fisherman belonging to the fishing ships, or to any other ships bound to any port in Europe. In case of refusal, such master's ship to be seized by any of your Majesty's ships of war, and sequestered to your Majesty's use. If any of the inhabitants, or of the merchants of New England shall seduce or prevail with any of the seamen or fishermen belonging to the fishing ships to remain in the land after the departure of the Fleet, he shall be brought home by the Commander of your Majesty's ships of war and forfeit £20. (xix.) And for the further encouragemt. of the Trade and Navigation of this Kingdom, no unfree ships shall be permitted to fish or trade in any part of Newfoundland. (xx.) Admirals of the Harbours to preserve the peace, see that the aforesaid rules are duly put in execution, and to keep Journals *etc.* (xxi.) and to settle disputes between the inhabitants and masters of fishing ships. Appeals to lie to the Commander of H.M. ships of war *etc.* (xxii.) The Lord's day to be strictly observed by all, and the Admirals in their respective harbours to appoint some proper person to read prayers *etc.* (xxiii.) Commanders of H.M. ships and the fishing Admirals to be empowered to apprehend all offenders for any crime committed in Newfoundld. on shore or at sea, and to bring them into Great Britain. (xxiv.) The said Commanders or Admirals shall on or about 20th Sept. yearly publish in their harbours and upon the shore these orders and laws and forbid all seamen or fishermen to remain in or upon Newfoundland after the departure of the ships to which they belong. [*C.O.* 195, 6. *pp.* 464-484.]

Dec. 25. **809.** Office expences of the Board of Trade, Sept. 29—Dec. 25, 1718. *v.* Journal of Council. [*C.O.* 388, 77. *Nos.* 49, 52, 55, 56.]

Dec. 27. **810.** Robert Armstrong, Collector of Customs in New Hampshire, to the Council of Trade and Plantations. *Refers* to enclosed account of timber exported from New England to Spain and Portugal, and to Lord Bellomont's letter as to the necessity of preserving the timber of New Hampshire for the use of the Crown, and the ill consequences that might attend sending it abroad (*v.* C.S.P. 1699 *ff.*), "wch. is now partly come to pass, for I am satisfied that the strength of the Spanish fleet is now partly owing to the timber exported from hence," *etc.* *Signed*, Robt. Armstrong. Recd. 3rd, Read 5th Feb., 17 $\frac{1}{2}$ ¹⁰. 1 *p.* *Enclosed*, 810. i. J. Bridger and R. Armstrong to Sir Matw. Dudley. Portsmouth, New Hampshire, 20th Oct. 1718. It would be serviceable to the Crown that New Hampshire be

1718.

purchased and Mr. Allen's title surrendered to H.M. It would in a great measure supply the Navy with masts, tarr, hemp, plank *etc.* *Signed*, J. Bridger, R. Armstrong. *Copy.* 1 p.

810. ii. Account of foreign and plantation commodities imported into the port of New Hampshire 25th Dec., 1715—1716. 1 p.

810. iii. Account of timber exported from New Hampshire to Spain and Portugal, 1712—1718. *cf.* Dec. 18. 1 p. [*C.O.* 5, 867. *Nos.* 28, 28 i.—iii.; and (*without enclosures*) 5, 915. *pp.* 248—250.]

Dec. 28. **811.** Commandant Vanderheyden Rézen to the Directors of Jan. 8, 1719. the Dutch West India Co. *Signed*, P. Vanderheyden Rézen. Rio Essequibo. *Endorsed*, Read 30th March (N.S.) 1719. *Dutch. Addressed. Seal. Postmark.* 2 pp. [*C.O.* 116, 22. *No.* 1.]

1718.

Dec. 30. **812.** Mr. Bridger to Mr. Popple. I have been here since Portsmouth. 22nd Aug. on my duty and must remaine in order to preserve H.M. woods, or leave them to the spoyle of the people *etc.*, tho' no salary from 19th June *etc.* *Prays* for a representation from the Board in his behalf to the Admiralty or Treasury, *etc.* *Signed*, J. Bridger. *Endorsed*, Recd. 7th, Read 10th Feb., 17 $\frac{1}{2}$ ^s. *Addressed.* 1 p. [*C.O.* 5, 867. *No.* 29; and 5, 915. *pp.* 252, 253.]

Dec. 30. **813.** Mr. Tickell to Mr. Popple. Encloses following to be Whitehall. laid before the Council of Trade and Plantations. *Signed*, Tho. Tickell. *Endorsed*, Recd. 30th Dec., 1718, Read 2nd Jan., 17 $\frac{1}{2}$ ^s. 1 p. *Enclosed*,

813. i. Circular letter from Mr. Secretary Craggs to the Governors of Plantations. *Copy of No.* 803. [*C.O.* 323, 7. *Nos.* 136, 136 i.; and 324, 10. *pp.* 221—225.]

Dec. 31. **814.** Secretary of the Lords Proprietors of Carolina to the St. James's. Governor of South Carolina. *Encloses* Declaration of War with Spain (*No.* 804) and Mr. Craggs' instructions that he should use his utmost endeavours to prevent any ammunition or stores of any kind from being carry'd to them *etc.* *Signed*, R. Shelton. [*C.O.* 5, 290. *pp.* 131, 132.]

Dec. 31. **815.** Council of Trade and Plantations to the Chancellor Whitehall. of the Exchequer. We have now under our consideration the encouraging the importation of Naval Stores and particularly timber and iron from America *etc.* Desire his attendance on Friday at 9 a.m. *Mem.* The same letter was writ to the Rt. Honble. Mr. Smith. [*C.O.* 324, 10. *p.* 220.]

Dec. 31. **816.** Mr. Secretary Craggs to the Governor of the Leeward Whitehall. Islands. The trustees of John Douglas are to remain in the quiet enjoyment of the plantation of Pensez y bien in St. Christophers, until H.M. shall think fit how to dispose of that part which was the French settlement *etc.* In case you have already given any

1718.

grants to dispossess those persons, you are to recal the same.
Signed, J. Craggs. [*C.O.* 324, 33. p. 207.]

Dec. 31.
 Whitehall.

817. *Same to Same.* Similar instruction to preceding as to grants of land held by Michael Lambert, John Heldon, William Woodrop, Anthony Tahi, James Thomas, and Edward Warner.
Signed, J. Craggs. 1 p. [*C.O.* 152, 42. No. 113 ; and 324, 33. p. 208.]

Dec. 31.
 Whitehall.

818. *Same to the Council of Trade and Plantations.* Encloses following for their report thereon. *Signed*, J. Craggs. *Endorsed*, Reed. 1st, Read 21st Jan., 171st₈. 1 p. *Enclosed*,

818. i. Memorial by the Baron de Sohlenthal. London. Dec. 1st₅, 1718. Envoy Extraordinary of the King of Denmark and Norway, he is instructed to represent to the King of Great Britain, that the Directors of the West Indies at Copenhagen have received information from the Governor of St. Thomas, that the Spaniards, and particularly the Governor of the Island of Porto Rico, nearest to St. Thomas, have formed the design of surprising and seizing it, only awaiting an Order from the Court of Spain, and some troops to reinforce those which are there having there already three ships of war and a barque of 12 guns. This information is confirmed by several people who have come from Porto Rico, and add that they threaten to execute this design next year since they did not think themselves sufficiently strong at present. As the preservation of this Island is of the utmost importance to his Danish Majesty, and the Spaniards have no right or pretention to it, nor will they ever be able to prove, that they have been given occasion for any conflict, still less for such violence, the King my Master flatters himself, that His Britannic Majesty, by his natural inclination for Justice, and by the friendship and common interest existing between the two Crowns, will not only disapprove entirely of an enterprise so contrary to all equity, but also that he will be pleased to give such orders, that his Governor in the neighbouring Islands may lend assistance to the said Island against the Spaniards in such case, in order that the evil which is to be feared therefrom may be averted and prevented *etc.* *Signed*, Le Baron de Sohlenthal. *Copy. French.* 2 pp. [*C.O.* 152, 12. Nos. 125, 125 i.]

[Dec. 31.]

819. Joshua Gee to the Council of Trade and Plantations. The monopoly of tar by the Govr. and Company of Stockholm about 20 years ago oblig'd the Parliament to encourage the making that commodity in our own Plantations, and soon brought down the price of Swedish tar, and now we have so much of our own that we send great quantities to Hambro', Bremen, Holland, Portugal *etc.* Within these three years the King of Sweden set

1718.

forth an edict, by wch. he oblig'd all that wanted his iron to bring their silver and gold for it *etc.* Notwithstanding the care taken last Session of Parliament to incourage the importation of iron, the quantity imported falls very short of a sufficient supply, and England does not make a third part enough for her own consumption, and even what is made is very much to the prejudice of our growing timber, and may in a short time render it so scarce, that we shall not have enough for building our own shipping *etc.* Norway have advanced the price of their boards above 90 p.c. and their timber to an extravagant price. If the King of Sweden shou'd carry his conquests over that country, our supply of iron and timber will depend on his will and pleasure. The English Plantations in America abound with wood iron and copper oar *etc.* and all sorts of timber, but are not brought from thence, because a duty is imposd on them here. And therefore, for want of proper incouragement, we are for'd to send out ready mony to Sweden for iron, and to Norway for timber and boards *etc.* At the same time we suffer this great wound in the ballance of our trade, we neglect the many advantages we have in our own Plantations, and put the inhabitants there upon the necessity of working up their own wooll for cloathing themselves, to the great prejudice of the manufacturers of this Kingdom. Sweden and Norway drew from Great Britain and Ireland for iron, copper timber and freight *etc.* £400,000, all wch. commodities we might have from our own Plantations and brought home in our own ships, and all purchas'd with our own manufactures *etc.* If we have our supply of timber and boards from our own Plantations, the navigation of Sweden and Norway will soon sink, and ours increase, and we shall have a new supply of seamen, and our navigation will be very much incourag'd and ships that go to Virginia, Maryland *etc.* for freight, when they meet with disappointments, instead of coming home empty, will at least have opportunities of taking in a loading of boards *etc.* If the dutys were taken off from timber, boards pipe-staves and copper, it would be sufficient incouragemt. for persons to engage therein. But iron works are such chargeable undertakings, that some bounty or reward besides the taking off the duty will be necessary to incourage persons to lay out their estates in erecting them, *etc.* The iron oar of America has been found upon trial to be as good as the best from Sweden, none exceeds it for gunn barrils, nor will bear a better proof, nor tis thought make better steel *etc.* If pott ashes were made, it wou'd not only consume the underwood and help to clear the land, but be of great advantage to the publick. That the erecting iron works may no way interfere with our iron manufactures, and that in that respect the Plantations may have their supply of iron and iron manufactures from England as they now have ; it is proposed that all iron made in the Plantations shall be directly imported into England, and all such iron as shall be exported again shall be stampd wth. a stamp made for that purpose at the same port where the same shall be exported. *Endorsed, Recd., Read 31st Dec., 1718. 1 $\frac{3}{4}$ pp. [C.O. 323, 7. No. 135 ; and 324, 10. pp. 212-219.]*

- [1718.] **820.** General Description of the Spanish West Indies, written in 1718. By Capt. Domgo. Gonzales Carranza, Principal Pilot to the King of Spain for the Flotas. Translated from the original Spanish manuscript and presented to the Duke of Newcastle, one of H.M. Principal Secretaries of State, 1740. Decorated title page, with sketches of the two hemispheres. Descriptions of the Spanish West Indies, Bay of Mexico, shoals and coast as far as New Spain *etc.*, with sailing directions, currents *etc.* [*C.O.* 319, 2. *pp.* 1-69.]
- [1715-1718.] **821.** Extracts of letters from Captains of H.M. ships on the Barbados station to the Governor, 1715-1718. *Copy.* 3 *pp.* [*C.O.* 28, 43. *pp.* 457, 457 A.]
- [? 1718.] **822.** Petition of Sir John Eyles to [? *Mr. Secretary Addison*]. *Prays that* John Floyer may be appointed Naval Officer of the Leeward Islands now vacant by the death of Edward Perry. The place is worth only £100 a year, arising from perquisites, so that, unless it is granted for life, no deputy will execute it. Sir John entered into a bond to compensate Floyer after Mr. Secretary Stanhope had withdrawn his appointment as Attorney General of Barbados, Sir John having intervened on behalf of the then Attorney General, Mr. Carter. Having been assured that Mr. Floyer would be soon preferred to a Commission of £300 *pr. ann.*, he undertook to make good that amount until he received such Commission *etc.* 1½ *pp.* [*C.O.* 28, 43. *pp.* 458, 458 v.]
- [?1716-1718.] **823.** Capt. Coram to Mr. Stanhope. Clause proposed to be inserted in bill *for the better regulating of the Charter and Proprietary Governments.* Signed, Thomas Coram. *Copy.* 2 *pp.* [*C.O.* 5, 12. *ff.* 109, 109 v., 110 v.]

GENERAL INDEX.

GENERAL INDEX.

A

Abbott, Richard, document signed by, 438, 439.
,, plantation of, petition concerning, 31 I.
,,,, grant of, 31 I.
 Abraham, Elizabeth, deposition of, 359 I.
 Abram (Abrahams), Philip, 359 I.
,, deposition of, 359 VIII.
 Acadie. *See* Nova Scotia.
 Ac(k)worth, Jacob, Commissioner of the Navy, document signed by, 386.
 Acourt, —, case of, 88.
,, report upon, 159.
 Act of Parliament, 373 III, IV.
, authority of, denied in N.E., 616.
, confirmation of Treaties by, question concerning, 406.
, printed copies of, for Governors, 147.
, *for ascertaining rates of foreign coins*, observance of, required, 402, 632, 687.
,, petition against, 650, 650 III.
, *for better regulating Charter and Proprietary Governments*, clause proposed for, 823.
, *for encouragement of trade to America*, amendment of, considered, 471.
, *for the encouragement of the Greenland trade*, 468, 478.
, *to encourage the trade to Newfoundland*, 550, 798.
,, infringements of. *See* Newfoundland Fishery, abuses in.
, *for establishing posts in America*, 568.

Wt. 441.

Act of Parliament—*cont.*

....., *for the better preservation of H.M. woods in America*, 774.
,, proposed, 616, 616 v, 617.
, *to prevent disturbances by seamen*, 91.
, *for preventing mischiefs etc. by Quakers etc.*, 281.
, *for the further preventing robbery and more effectual transportation of felons*, 681.
, *for remedying abuses in the Newfoundland trade*, draft of, submitted, 798, 808, 808 I.
, *for the more effectual suppression of piracy*, 403–405.
,, revived, 91, 215, 471, 658, 669 II.
 Acts of Trade and Navigation, 144 II, 294, 307, 633, 636, 637, 785.
, enquiry concerning, 636.
, instructions concerning, 291.
, infringement of, in R.I., complaint concerning, 759.
, not violated by French traders, 227.
 Acts of the Plantations, printing of. *See* under Plantations, The.
 Adams, Jos., document signed by, 413.
 Addison, Joseph, Secretary of State for the Southern Department, 113, 551.
,, document signed by, 19, 20, 37–39, 73, 80, 81, 84, 135, 136, 138, 167, 179, 180, 220 I, 346, 403–405.
,, letter from, 3, 4, 22, 64, 65, 67, 68, 69, 97, 102, 109, 132, 149, 163, 165, 166, 218, 222, 317, 593 I.
,, letter to, 2, 5, 8, 15, 18, 51, 89, 90, 100, 104, 105, 127, 144, 152, 159, 169, 175, 186, 189, 211, 215, 220, 230, 255–257, 286, 318 II, 320, 327, 344, 350, 376, 426, 431, 432, 822.
,, resignation of, announced to Governors, 446.
 Adlington, Walter, affidavit of, 169.

C.P. 29.

- Admiralty, Lords Commissioners of,
Governors' powers of Vice-
Admiralty restricted by, 144.
....., Instructions by, 616.
....., Instructions to, 64.
....., letter from, 303, 442,
619.
....., letter, reference, to, 298,
604, 658, 711 I, 812.
..... Court, Judge of. *See* Penrice,
Sir H.
....., Courts, trials in. *See under*
Plantations.
....., Office, garden of, fire in, 624.
.....,, documents
destroyed in, 624.
....., Secretary of. *See* Burchett, J.
Adventure, H.M.S., 10, 271, 566.
Agnascorangan, 261.
Aislabie, John, Chancellor of the
Exchequer, 815.
Alexander, Col., regiment of, 298.
Alford, Daniel, letter from, 41.
.....,, plantation of, St. Kitts,
proposal to purchase, 83.
Allain, Louis, letter to, 789 III, IV.
Allen, Jeremiah, Treasurer, Mass.,
document signed by, 700 IV.
Alleyn, Abel, petition of, 753 I.
.....,,, referred, 753.
.....,,, report upon, 767.
....., Timothy, petition of, 753 I.
.....,,, referred, 753.
.....,,, report upon, 767.
Alleyne, Thomas, Councillor, Barbados,
decd., 56.
Almsbury, 283.
Amsterdam Gazette, The, 238.
Anderson, John, Councillor, N.J., 194.
....., William, Act concerning. *See*
New York, Act to enable etc.
Andros I., 737 III.
Andros, Lt.-Gov. Sir E., 177 I.
Angola, ship from, 660.
Anguilla, I. *See* Virgin Islands.
Anne, Queen, Address to, 650, 650 III.
.....,, death of, 284.
.....,, grant by, 26 I.
Anonymous letter, 506, 508.
ANTIGUA: *and see* Hamilton, W.,
Governor of; *and* Leeward
Islands.
....., Act, constituting a Court of
Chancery, confirmed, 336, 408.
.....,,, report upon, 158,
171.
.....,,, constituting a Court
Merchant, 570 I (d).
.....,,, report upon, 530.
.....,,, for dividing into parishes
(1692), 368 I.
.....,, to enable Arthur Freeman
etc. referred, 564.
.....,,, report upon, 581.
.....,,, petition for, 649.
Antigua, Act—cont.
.....,, to encourage importation
of white servants, objections to,
570 I (d).
.....,,, to lie probationary,
whilst a new act is passed,
570 I (d).
.....,,, referred, 388.
.....,,, report upon, 435.
.....,, for erecting a new church
in St. Johns, 297, 570 I (d).
.....,,, referred, 155.
.....,, for establishing a Court
of King's Bench, repealed, 337,
408.
.....,,, report upon, 158,
171.
.....,,, new, proposed, 408.
.....,, to indemnify Anthony
Browne and John Eliot from an
agreement with George Pullen
etc., petition against, 368 I, 512,
570 I (d).
.....,,, referred, 368, 570
I (d).
.....,,, objections to, 191,
192, 217.
.....,, laying 5 p.c. duty on
dry goods etc., objection to,
570 I (d).
.....,, laying an additional duty
upon wines etc., 570 I (d).
.....,,, Governor's observ-
ations on, 722.
.....,,, objection to, 722,
722 I, 802.
.....,,, new, proposed,
802.
.....,, laying a powder duty etc.,
570 I (d).
.....,, to prevent the increase of
Papists, objections to, 297,
297 I, 462.
.....,,, petition against,
309.
.....,,, referred, 155.
.....,,, report upon, 297,
515.
.....,,, request for,
470.
.....,,, repeal of, 515,
584.
.....,, laying duty upon foreign
sugars, rum etc., objections to,
570 I (d).
.....,, prohibiting the importa-
tion of foreign sugars, 736.
.....,,, arguments in
favour of, 547.
.....,,, discussed in Assem-
bly, 495 I.
.....,,, enquiry concern-
ing, 487.
.....,,, hearing of,
postponement requested, 538.

Antigua, Act, *prohibiting the importation of foreign sugars*—*cont.*
 , objection to, 277 I, 487, 495 I, 530.
 , referred, 162, 495, 531.
 , new, proposed, 487, 547.
 , to quiet present possessors of lands and avoid suits etc., referred, 155.
 , report upon, 297, 532.
 , new act recommended, 532, 736.
 , for raising a tax of £12,000, 570 I (d).
 , for settling £1000 on Governor confirmed, 64, 257 I.
 , warrant for payment, 73.
 , Acts of, collection of, required, 171.
 , agent of, 408; and see Nivine, W.
 , Act referred to, 570 I (d).
 , commission of, required, 771.
 , Assembly of, 547, 692, 736.
 , Act *prohibiting importation of foreign sugars etc.*, discussion on, 495 I.
 , new, recommended to, 532.
 , Address by, 722, 722 I.
 , reply to, 722 I.
 , concerning 4½ p.c., 277.
 , claim to authorise payments, 722, 722 I, 802.
 , Journal of, transmission of, required, 736, 736 II.
 , Speaker of. See Warner, Ashton.
 , Belfast, 368 I.
 , Bridge Town, Church, 729 (b).
 , Church, act for building a new, 570 I (d).
 , Churchwardens of St. Philips, petition of. See below, St. Philips.
 , Council of, 358, 494, 547, 692, 745; and see Act *constituting a Court of Chancery*.
 , Minutes of, 358, 358 I, 494 I, 515, 521, 740.
 , required, 736, 736 II.
 , Council and Assembly, Committee for auditing and stating accounts, 442.
 , Minutes of, 722, 722 I.
 , Councillors, 661, 704, 705, 745, 752, 754, 769, 775, 797.

Antigua, Councillors—*cont.*
 , absent, 358, 647, 736, 736 I, 797.
 , appointment of, 358, 583.
 , death of, 358.
 , persons recommended for, 567, 573, 576, 710, 717; and see Barrington.
 , suspension of. See Morris, Thomas.
 , Court of Chancery. See Act *constituting*.
 , King's Bench. See Act *for establishing*.
 , Merchant, Act constituting, 570 I (d).
 , Customs, officers, 6, 570.
 , complaint against. See Sales, P.
 , instruction to, 736.
 , drought in, 547.
 , duty on British goods, 570 I (d).
 , 4½ p.c. duty, collectors of, instruction concerning, 736.
 , notice of appointment of, required, 570.
 , infringement of, 495 I.
 , places for collection of, address for increase of, 277.
 , objection to, 277.
 , Governor Hamilton at, 494; and see Hamilton, W.
 , Governor of, petition for appointment as, 312 I.
 , referred, 312.
 , harbour of, 40.
 , inhabitants, losses of, 547.
 , migration of, 40, 547.
 , lands in, titles to, act concerning. See Act *to quiet present possessors*.
 , Lt.-Governor of. See Byam, Edward.
 , Lt.-Governor, Council and Assembly, address of, 411, 412.
 , merchants, traders and inhabitants, address by, 413.
 , negroes, 547.
 , market, 495 I.
 , Papists in. See Act *to prevent increase of*.
 , disloyalty of, deposition concerning, 335.
 , services of, 297, 515.
 , invited to remove to Martinique and Guadeloupe, 309.
 , payments of public money, instructions concerning, 722, 722 I.
 , Assembly's claim and act infringing, 722, 722 I, 802.

- Antigua—*cont.*
 , pirates, depredations of, 298, 298 I-III. *And see* Leeward Islands.
 , powder officer, nomination of, claim concerning, 722, 722 I.
 , prerogative of the Crown, infringement of, 532, 722, 802.
 , Quakers, 297.
 , recusants in, 297; *and see* Act to prevent increase of papists.
 , St. Philip's parish. *See* Act to indemnify Anthony Brown.
 , , Churchwardens and Vestry of, deposition by, 729 (a) (b).
 , , petition of, 192, 217, 368 I.
 , , referred, 368.
 , , new Church in, opposition to, 729 (a) (b).
 , ship of, seized by Spaniards, 692, 692 VI-VIII.
 , , by pirates, 298, 298 III.
 , sugar, price of, 547; *and see* Act prohibiting importation of foreign.
 , sugar crop, reduction of, 547.
 , *Three Maries*, ship, order concerning, 761.
 , Treasurer of, 277 I.
 , Willoughby Bay, 368 I.
 Apres, James, document signed by, 192.
 Arambaru (Arambara), Don Manuel de, 252 II, V; *and see* Nuestra Señora de Belem.
 Archbould, James, recommended for Council, Jam., 53.
 , , appointed, 144.
 Arents, Jacob. *See* New Jersey, Act for naturalising.
 Argyll, Duke of. *See* Campbell, John.
 Arlington, Baron. *See* Bennet, H.
 Armstrong, Robert, Collector, N.H., letter from, 810, 810 I.
 , , praise of, 307.
 , William, Lt., petition of, report upon, 543; *and see* Nova Scotia, lands between Maine and.
 Army, Controllers of Accounts, report by, 550.
 Arnald, Michael, document signed by, 413.
 Arowsick, I., 193, 261.
 Arundell, Benjamin, document signed by, 298 v.
 Ashurst, Sir William, 735.
 Ashley, Maurice, a Lord Proprietor of the Bahamas, document signed by, 176, 183, 360 I, 630-632, 687, 694-696.
 , , , surrender of Government by, 183.
 Ashworth (Ashwood), French ship seized by, 591 II.
 , , imprisoned, 591 II.
 , , prosecution of, petition for, 591 II.
 , , , order for, 643.
 , , , proposed, 606.
 Asiento Company, the, 196, 356; *and see* Jamaica, Act laying duty on negroes exported; *and* South Sea Co.
 , Agent of, 737 IV, 797.
 Assaillié, Martha, plantation of, St. Kitts, case of, 134 VI-IX, 691.
 , , , enquiry into, 66.
 , , , , , order for, 66.
 Athy, Elizabeth, 564; *and see* Antigua, Act to enable A. Freeman.
 Attorney General, The. *See* Northey, Sir E.; Lechmere, Sir N.
 , consulted by Board of Trade, 409.
 , Counsel to relieve, proposed, 409.
 , , appointed, 496, 502.
 Attwood, Anthony, 692.
 , , deposition of, 692 VI.
 Auditor General of the Plantations. *See* Blathwayt, W.
 Avery, pirate. *See* Every.
 Axtell, Daniel, owner of privateer (Jam.), 131 I, II, IV, V.
 , , bond taken from, 131 III.
 , , document signed by, 252 IV; *and see* Nuestra Señora de Belem.
 , , prosecution of, petition for, 591 II.
 , , , order for, proposed, 606.
 , , , ordered, 643.
 Aylmer, Whitgift, recommended for Council, Jam., 53.
 Ayseough (Ascough), John, recommended for Council, Jam., 116.
 , , , appointed, 144.
 Azilia, settlement of. *See* Mountgomery, Sir R.
 Azores, trade with. *See* Western Islands.

B

- B., A., letter from, 508.
 Bachelor, Marmaduke, document signed by, 413.

- BAHAMA ISLANDS, THE.
 Abacoa I., 737.
 Admiralty Court, Judge of.
 See Fairfax, W.
 aid for, solicited from Jamaica
 and New York, 737.
 Assembly, proposed, 737.
 , , , report concerning, re-
 quired, 220 II.
 Carolina, relations with, 389,
 423, 737.
 Catt I., raided by Spaniards,
 737 VII, VIII.
 Civil Government for, prospec-
 t of, 220, 220 II.
 Collector of Customs, 737.
 Company, charges of, com-
 pensation for, requested, 807.
 , , , ships of, detained, 737.
 condition of, neglected, 220 I.
 , , , report upon, awaited,
 220.
 Council of, 220 I.
 , , , Minutes of, 737 II.
 Councillors, appointment of,
 by Governor, 737.
 , , , confirmation of,
 requested, 737.
 , , , persons to be recom-
 mended for, 220 II.
 Crooked Island, 551 VI.
 Eleuthera, I., (Islethera), 551
 IV.
 , , , attack on, by Spaniards,
 designed, 737.
 , , , Lt. Governor of. *See*
 Holmes, E.
 Exuma, 551 II, 737 VII.
 French, attack by, feared,
 737.
 garrison ordered for, 64,
 220 I; *and see* Independent
 Company at.
 Governor of, 64; *and see*
 Rogers, Woodes.
 guardship at, 556, 737.
 , , , complaint concerning,
 807.
 , , , to be under direction of
 Governor and Council, request
 for, 737, 807.
 Harbour I., attack on, by
 Spaniards, designed, 737.
 , , , fortification of, 737.
 , , , inhabitants of, 737.
 , , , Lt. Governor of, 737.
 , , , map of, 737.
 , , , militia of, 737.
 , , , pirates at, 64.
 importance of, recognised, 64.
 Independent Company at, 167,
 737.
 , , , commissions for, 278.
 , , , establishment of, re-
 quested, 287.
 Bahama Islands, Independent Com-
 pany at—*cont.*
 , , , losses of, 737, 737 I.
 , , , victualling of, 287.
 , , , second, request for, 807.
 inhabitants, character of, 737.
 Islethera. *See* Eleuthera.
 Lords Proprietors, rights of,
 leased to Capt. Rogers, 183.
 , , , minors, 183, 221.
 , , , Secretary of. *See*
 Shelton, Richard.
 , , , surrender of Govern-
 ment by, 166, 183.
 , , , deed of, 166, 176,
 420.
 , , , , , delay in,
 proposed, 183.
 , , , , , , , rejected,
 184.
 , , , , , validity of,
 enquiry concerning, 183, 220,
 221, 249.
 , , , , , , , , ,
 reply to, 250.
 , , , , , , , , , report
 upon, 255.
 map of, 737.
 marooners, 737.
 memorial of merchants con-
 cerning, 286.
 Militia formed, 737.
 Nassau. *See under* Bahamas,
 Providence I.
 Naval officer, 737.
 Palatines, estimate of trans-
 porting to, 76.
 pirates at, 64, 220 I, 551, 591 II;
 and see Hornigold; Vane, etc.
 , , , atrocities by, 551 I-x.
 , , , captured, 807.
 , , , dislodgement of, 64,
 389, 471, 551, 737.
 , , , inhabitants' sympathy
 with, 737, 807.
 , , , numbers of, 474, 551 IV,
 556.
 , , , rendezvous of, 389.
 , , , ships taken by, 737,
 797, 797 VI.
 , , , pardon of, Proclamation
 for, 345, 720.
 , , , , extended, 737.
 , , , surrender of, 345, 345
 I-II, 384, 474, 485, 720, 736.
 , , , checked, 474.
 , , , instructions con-
 cerning, requested, 474.
 , , , surrendered, effects of,
 question concerning, 720.
 , , , revert, 737, 797.
 , , , trial of, commission
 for, 405, 737; *and see* Planta-
 tions, Governors.
 , , , sent home for, 807.

- Bahama Islands, pirates at—*cont.*
 , threaten H.M.S. *Phoenix*, 551.
 , Virginian sloop sent to investigate, 10, 10 I-VIII.
 , traffic with, arrest for, 737.
 , position of, 737.
 , produce of, 737.
 , prospects of, 737.
 , Providence I., New, Nassau, fort at, rebuilding of, 737, 807.
 , fortifications at, proposed, 737.
 , pirates at. *See* Bahamas, pirates.
 , Spanish expedition against, designed, 797.
 , stores of war needed for, 737 VI.
 , salt-raking, 551.
 , settlers, expected, from Carolina, 423, 737.
 , from Bermuda, 737.
 , from Anguilla, invited, 737.
 , ships of war leave, complaint concerning, 737.
 , sickness at, 737, 737 I.
 , Spaniards, raid by, 737, 737 VII, VIII.
 , designed, 737, 737 VII, VIII, 807.
 , raid by (1682), 104 I.
 , ships seized by, 737, 737 III, IV, V, VI, VIII.
 , war with, rumoured, 807.
 , Stocking I., 737 VII.
 , stores of war required for, 737 VI.
 , trade with Cuba, 737, 737 III.
 Baird, Peter, recommended for Council, N.J., 739.
 Baker, — , merchant of London, Agent for opposition to New York money bills, 650.
 , Thomas, pirate, trial of, 575, 575 I.
 Balcher (Baltchin), John, Capt., R.N., contract signed by, 280 II.
 , letter from, 280 I, 303.
 Baldwin, R., printer, Jam., 681 IV.
 Ball, Guy, document signed by, 742 XIV.
 Baltimore, Lord. *See* Calvert.
 Bambridge, John, 739.
 Bampffield, George, Agent for Barbados, document signed by, 103.
 , Agent for Governor Hunter, 112, 274.
 , letter from, 14.
 Bankes, Richard, proposal by, to purchase the late French part of St. Kitts, 28, 145, 156.
 Baracoa, Alcald of, 737 VII.
 Baran, Nathaniel, deposition of, 737 III.
 BARBADOS, 345.
 , Act, additional, to act to ascertain payment of bills etc., referred, 216.
 , report upon, 273.
 , penalty extraordinary, in, 273.
 , to confirm certain deeds etc., 212.
 , defraying expenses of Commissioners of Contracts, defence of, 742.
 , for docking an entail and vesting the fee simple in A. Tickle and Francis Jemmot, confirmed, 52, 160.
 , referred, 70.
 , report upon, 107, 143.
 , empowering licentiate lawyers to practise etc., arguments for confirmation of, 517.
 , defence of, opportunity for, requested, 742.
 , objection to, 535.
 , report upon, 572.
 , laying duty on foreign sugar, 160, 547, 611.
 , reasons for, 103, 103 I, 148.
 , report upon, 148.
 , laying an imposition on wines, defence of, 742.
 , laying tax on negroes, 742, 742 XIII, 743.
 , Acts, affecting trade and shipping of Great Britain, only to be passed with suspensory clause, 142.
 , remarks of Council of Trade upon, 561.
 , reports upon, 471.
 , concerning fees, petition against, 210, 229.
 , repeal of, proposed, 259.
 , Agents of, 148; and *see* Bampffield, G.; Mickelthwaite, J.
 , letter to, 159 IV, 517.
 , memorial by, 103, 103 I.
 , petition of, 68 I, 159 III.
 , referred, 68.
 , Asiento ships sent to, 272.
 , Assembly of, Journal of, 471.
 , Attorney General of, 572.
 , *Blanco*, ship, case of, 742.
 , sale of, account of, 742 XV.

Barbados—*cont.*

-, Clergy in, character of, 68 i, 88.
-,, complaint against, 88; *and see* Gordon, W.; Langton; Acourt; Bishop of London.
-, coins, currency in, paper. *See* Act *additional to act to ascertain payment of bills etc.*
-, Commissary, appointment of, by Bishop of London, 88.
-,, powers of, 159; *and see* Gordon, W.
-, Commissioners of Contracts, Act *defraying expenses of*, 742.
-,, Minutes of, 743.
-, Committee of Public Accounts, 742, 742 xiii, 743.
-,, document signed by, 742 xiv.
-, Committee of Correspondence, letter from, 159, 159 iv, 517, 572.
-, Council, Minutes of, 471, 472.
-, Councillors, 56.
-,, appointment of, 75, 81.
-,, leave of absence for, 79, 87.
-,, persons proposed for, 448, 534.
-,, suspended, caveat against, 698; *and see* Cox, Samuel.
-, Court of Chancery, appeal from, 79.
-,, causes determined in, 742 iii.
-,, constitution of, 158.
-, Court of Errors, causes determined and depending in, 742 ii.
-, Court, ecclesiastical, attempt to erect, protest against, 68 i.
-,,,, referred, 68.
-,,, report upon, 159.
-,,, repudiated by Bishop of London, 88.
-, Curl, Rebecca, pardon for, 179.
-, Customs, Collector of. *See* Lascelles, Henry.
-,, Surveyor General of, 277.
-, duel in, 490.
-,, petition concerning. *See* Harwood, Lucy.
-, fees, acts affecting, petition against, 210, 229.
-, fortifications, tax for repairing, 742, 742 xiii, 743.
-,,, accounts of, 742, 742 iv-xiii, 743.
-,, state of, 534, 742 iv-xii.
-, 4½ p.c. duty, 534.
-, Governor of. *See* Lowther.

Barbados—*cont.*

-, Grand Jury, presentment of, against clergy, 88.
-, grant of, to Earl of Carlisle, 534.
-, guardships, 298, 471; *and see* Scarborough.
-,, Captains of, letters from, 821.
-,, from L.I., victual at, 691, 797.
-, inhabitants decrease of, cause of, 93.
-, lands in, grants of, account of, 534.
-, Naval Officer. *See* Cornelius, John; Betts, Thomas.
-, negroes, 797 iv.
-,, number required per acre, 103 i.
-,, runaway, to Martinique, 77, 763, 767 i.
-,,, Governor refuses to apply for, 753 i.
-,,, return of, petition for, 753 i.
-,,,,, referred, 753.
-,,,,, report upon, 767.
-,, tax on, 742, 742 xiii, 743.
-, patent offices in, petition concerning, 210, 229.
-,, leave of absence for, 792.
-, pirates, 10, 298 ii, iii, 471; *and see* Bonnet; Teach.
-,, depredations of, 471, 797 ii, iv.
-,, goods captured, disposal of, question concerning, 742, 742 xv.
-,, pardon of, commission for granting, 405, 716 i.
-,,, Proclamation for, 471.
-,, trial of, commission for, despatch of, urged, 742; *and see* Plantations, Governors.
-, pressing of seamen, question of, 471.
-,,, referred, 471.
-, Provost Marshal. *See* Reynolds, Thomas.
-,, deputy, 210.
-,, fees of, petition concerning, 210, 229.
-,,, acts affecting, 210, 229.
-, public papers required by Council of Trade, 561.
-, purchase of, by Charles II, 534.
-, Receiver General. *See* Barwick, S.

- Barbados—*cont.*
 , Registrar in Chancery. *See*
 Cracherode, A.
 , deputy of, 210.
 , fees of, petition con-
 cerning, 210.
 , acts affecting, 210.
 , religious condition of, de-
 plored, 88.
 , Revenue and public debts, ac-
 count of, 742, 742 XIII, XIV, 743.
 , Committee of public
 accounts, delays by, 534.
 , instructions to,
 534 II.
 , seal, new, for, 127, 150.
 , warrant for using,
 127, 135, 142.
 , Secretary of. *See* Mickle-
 thwaite, Joseph.
 , deputy of, 210.
 , fees of, petition con-
 cerning, 210, 229.
 , acts affecting,
 210, 229.
 , ship taken by pirates, 791 IV.
 , soil exhausted, 103 I.
 , Solicitor General of, 572.
 , Speights Town, 490.
 , stores of war, account of,
 742 IV—XII.
 , sugar, foreign, imports of,
 148, 156.
 , trade, competition of
 French and Dutch, 534.
 , remedy for, pro-
 posed, 534; *and see* Act *laying*
 duty on foreign.
 , trade, 148, 156, 534, 742.
 , illegal, with French W.I.,
 measures to prevent, 767.
 , with Madeira and
 Western Islands, 797 IV.
 , return of, 742.
 , ordered, 471.
 , with N.H., 796.
 , Treasurer. *See* Sutton,
 Edmund.
 Barberie, John, Councillor, N.Y.,
 document signed by, 738 I.
 Barkeley, J. *See* Berkeley, Earl of.
 Barker, Samuel, 738 II.
 Barkstead, J., document signed by,
 445 I.
 , Joshua, letter from, 383 III.
 Barnard, James, deposition of, 729,
 (a) (b).
 , John, document signed by,
 192.
 , Thomas, Councillor, Bahamas,
 737.
 Barnett, Jonathan, privateer, Jam.,
 commission and instructions of,
 131 I, II, IV, V.
 , bond of, 131 III.
 Barrington, J., letter from, 567, 596,
 705, 717.
 , letter to, 576, 710.
 Barron, T., plea by, 122.
 Barrow, Thomas, Jam., 322.
 Barsheba, 131 IV, V; *and see* Jamaica,
 privateers.
 Barton, Leonard, deposition of, 117,
 131 V.
 Barwick, Samuel, Councillor, Bar-
 bados, leave of absence for,
 137, 138.
 , petition for, 57 I, 79, 87.
 , restored, 137, 138.
 , Receiver General,
 charges against, 476.
 Barzey, William, Councillor, Mont-
 serrat, death of, 797.
 Basden, James, 551 I.
 , robbed by pirates,
 551 IV.
 Baskett, John, H.M. Printer, Acts of
 Plantations printed by, 51, 67,
 728, 734.
 , letter from, 469, 721,
 729.
 , letter to, 715, 734.
 Basse, Jeremiah, late Secretary, N.J.,
 misbehaviour of, 284.
 , Act reducing fees of, 284.
 Bassett, William, Councillor, Va., 209.
 , wife of, 209.
 Bateman, Ja., Sub-Governor of South
 Sea Co., document signed by,
 178 I.
 Bathurst, Richard, recommended for
 Council, Jam., 53.
 Bayer, Bayer Otto, document signed
 by, 413.
 , John Otto, document signed
 by, 413.
 Beamor, John, document signed by,
 399.
 Beauchamp, Robert, Councillor,
 Bahamas, 737.
 , commendation of, 737.
 , Lt. of Independent
 Company, 737.
 , commission of,
 167.
 Beaufort, Duke of. *See* Somerset,
 Henry.
 Beaver, ship, 670.
 Beckford, —, 218 I.
 , Controller of Customs,
 Jam., 681.
 , Peter, Speaker, Jam., docu-
 ment signed by, 37.
 , recommended for
 Council, Jam., 53.
 , Thomas, 679.
 , Councillor, Jam., re-
 moved, 144.
 Bedmar, Marquis de, 104 I.
 Beef I. *See* Virgin Islands.

- Beekman, Gerard, document signed by, 738 I.
- Beersheba*, sloop, case of, 681 IX.
- Bellomont, Earl of. *See* Coote, Richard.
- Benbow, Rear-Admiral, letter from, 593 IV (a), 623, 624, 624 I.
-, , enquiry for, 623.
-, , burnt in Admiralty fire, 624.
-, , letter to, 593 IV (b).
- Bendall, Hopefor, document signed by, 413.
- Bendish, Thomas, owner of *Bennet* privateer, 131 v; *and see* Jamaica privateers.
-, , payment of piratical effects to, 225.
-, , prosecution of, petition for, 591 II.
-, , order for, proposed, 606.
-, , ordered, 643.
- Benham, —, 181.
- Bennet*, sloop, case of, 131 IV, v, 681 IX; *and see* Jamaica, privateers.
- Bennet, George, Councillor, Jam., removed, 144.
-, , recommendation of, 53.
-, , withdrawn, 116.
-, H., Baron Arlington, 104 I.
-, , letter to, 104 I.
- Bennett, Benjamin, Lt. Governor, Bermuda, 737.
-, , certificate of surrender issued by, to pirates, 345, 345 I.
-, , commission of, for pardoning pirates, despatched, 714, 714 I, 720.
-, , for trying pirates, 404; *and see* Plantations, Governors.
-, , instructions of, 720.
-, , alterations in, 667.
-, , concerning acts affecting trade and shipping, 90 I, 111.
-, , letter from, 345, 384, 467, 474, 485, 486, 551, 580, 608.
-, , letter to, 345 II, III, 465, 720.
-, , public papers required from, 720, 720 I.
-, , queries from the Board of Trade, replies to, delayed, 474.
-, Capt., son of above, 345, 345 II.
-, Sir John, letter from, 714.
- Beresford, Richard, Agent of Assembly, S. Carolina, letter, memorial from, 238, 256, 600, 699.
- Berkeley (Barkeley), James, Earl of Berkeley, a Lord Commissioner of the Admiralty, document signed by, 619.
-, William, Lord, a Lord Proprietor of the Bahamas, document signed by, 176, 183.
-, , surrender of government by, 183.
-, , lease to Capt. Rogers signed by, 183.
- Berkley, Edmund, Councillor, Va., 209, 799.
-, , death of, 800.
-, , wife of, 209.
- BERMUDA, Act, for the better observation of the Lord's Day, additional clause to, criticism of, 720 II.
-, , to lie probational, 720 I.
-, , limiting time the names of persons bound off the island shall be published, to lie probational, 720 II.
-, , prolonging act to supply deficiency for building Governor's house etc., criticism of, 345, 720 II.
-, , to lie probational, 720 II.
-, , additional clause to, criticism of, 720 II.
-, , to lie probational, 720 II.
-, Acts affecting trade and shipping, instructions concerning, 90 I, 111, 142.
-, , observations upon, by the Council of Trade, 720, 720 II.
-, , printing of, 728, 734.
-, Council, commissions for trying pirates, 404.
-, Council and Assembly, Minutes of, transmission of, required, 720, 720 I.
-, *Elizabeth*, sloop, taken by pirates, 551.
-, , re-captured, 551.
-, Fife, Capt., taken by pirates, 551.
-, , retakes ship, 551.
-, , case of, 720.
-, fortifications, condition of, 551, 580.
-, , repair of, 474.
-, Governor's House, Act providing for, 345, 720 II.
-, guardships for, request for, 551.
-, Independent Company at, quartering and subsistence for, required, 551.
-, , inhabitants unable to provide, 551.

- Bermuda, guardships for—*cont.*
 , recruiting of, required, 551.
 , additional, request for, 551.
 , inhabitant expected to migrate to Bahamas, 737.
 , poverty of, 551.
 , sea-faring, 551.
 , Lt. Governor of. *See* Bennett, Benjamin.
 , militia of, 474, 551.
 , Naval Officer's lists, transmission of, required, 720, 720 I.
 , negroes, rising of, feared, 551.
 , pirates, depredations of, 551.
 , increase of, 580.
 , pardon of, request for, 467.
 , pardon, commission for, requested, 465, 466.
 , extension of, 580, 737.
 , question concerning, 384.
 , trial of, commissions for, 91, 404.
 , ship taken by, 797 II.
 , surrender of, 384, 465, 466, 720.
 , checked, 474.
 , surrendered, instructions concerning, request for, 551.
 , effects of, question concerning, 720.
 , threaten to seize, 551, 551 I, 737.
 , produce of, 551.
 , Receiver General of, commission for, 404.
 , Revenue, accounts of, 345.
 , seal, new, for, 127, 150.
 , warrant for using, 127, 135, 142.
 , Secretary of, commission of, 404.
 , situation of, importance of, 551.
 , sloop, 737 VII.
 , seizure and trial of (Va.), 406.
 , sloops, captured by pirates, 551, 551 I-x.
 , trade with Madeira and Western Islands, return of, requested, 465.
 , trade and shipping, acts affecting, instruction concerning, 90 I, 111, 142.
- Bernard (Barnard), Thomas, Councillor, Jam., appointment of, 144.
 , recommendation of, 53.
- Bernard, Thomas—*cont.*
 , Chief Justice, Jam., dedimus to, 322.
 , dismissal of, 109 I.
 , document signed by, 322.
 , oaths administered to, 324.
 , Lt. Governor, dormant commission for, 53, 180.
 , letter from, 109 III.
- Bertie (Bertye), James, a Lord Proprietor of the Bahama Islands, surrender signed by, 176.
 , guardian of Duke of Beaufort, document signed by, as, 360, 630-632, 687, 694-696.
- Besea, Joseph, Capt., maltreated by pirates, 551 VI.
- Beswick, John, petition of, 65 I.
 , referred, 65.
 , report upon, requested, 457.
- Betts, Thomas, Naval Officer, Jam., commission of, 680.
 , leave of absence for, 792.
- Beverley, Harry, Capt., sloop of, captured by Spaniards, 10 II, 59, 215.
 , escapes from Vera Cruz, 59.
 , letter from, 10 II.
 , redress demanded from Madrid, 64, 334.
 , Peter, proposed for Council, Va., 588.
- Bevon, James, document signed by, 438, 439.
- Bibby, Robert, pirate, 298 III.
- Bideford, merchants of, request for guardships at Trepassy, 394.
- Bilboa, fish seized at, order concerning, 64, 527; *and see* Tulon, G.
- Billingsley, Orlando, deposition of, 134 VI.
- Billope, Chris., 445 I.
 , document signed by, 445 II.
- Birkhead, William, document signed by, 397.
- Biscayners, 104 I.
- Bishop, Robert, document signed by, 742 XIV.
- Bladen, Martin, a Commissioner of Trade and Plantations, 233, 625.
- Blair, Archibald, brother of following, 588, 799, 800.
 , bill entrusting money to, 568.
 , James, Commissary and Councillor, Va., 209.

- Blair, James, Commissary and Councillor—*cont.*
 , , dismissal of, proposed, 588.
 , , opposition to Lt. Gov. Spotswood led by, 568, 588, 657, 790.
 , , partner of Col. Ludwell, 568.
 , , wife of, 209.
 , John, recommended for Council, Jam., 53.
 , , removed, 144.
 Blake, Pat., certificate by, 43 II.
 Blakiston (Blackiston) N., Col., 59.
 , , Agent, Va., commission of, 771, 779.
 , , letter from, 207.
 , , salary of, 422 I, II.
 Blanco, ship, pirate, captured, 742.
 , , case of, 742.
 Blathwayt, William, Auditor General of the Plantations, 193.
 , , accounts rendered to, 419.
 , , letter to, 650.
 , , report by, 8 I.
 Blew, James, caveat by, 492.
 Bloombergh, Baron, letter to, 610.
 Bois, John, deposition of, 797 II.
 Bolingbroke, Viscount. *See* St. John, Henry.
 Bolton, Daniel, letter from, 6.
 Bonfils, Mm., owners of *Vaimable Marie*, petition of, 591 I, II.
 , , , referred, 591.
 , , , representation on, 606, 643.
 , , , order upon, 643.
 Boniott, —, Capt., 737 IV.
 Bonnet, Stede, pirate, 298, 298 I–III, 551, 737.
 , , engagement with, 730.
 , , capture of, 730, 787, 800.
 , , depredations of, 298, 298 I–III.
 , , surrender of, 800.
 , , reverts to piracy, 800.
 Boone, Joseph, Agent of Assembly, S. Carolina, letter, petition from, 423, 536, 631.
 , , , referred, 525.
 , , letter to, 423.
 Booth, John, document signed by, 413.
 Borland, John, contract of, 258.
 , , petition of, for patent for sturgeon, 165 I.
 , , , recommended, 321.
 , , , referred, 165.
 , , , report upon, 480.
 Borland, John,—*cont.*
 , , subsistence for garrison, Annapolis Royal, supplied by, 165 I.
 Borneo, privateer, commission of, 760.
 Bostock, Henry, captured by pirates, 298 III.
 , , deposition of, 298 III.
 Boston. *See under* Mass. Bay.
 Bosworth, Joseph, 692.
 , , deposition of, 692 VIII.
 Boudinot, John, document signed by, 413.
 Bourryau, John, Councillor, St. Kitts, 797.
 , , plantation of, grant continued, 574.
 , , , petition for, 30, 30 I.
 Bowlin, Thomas, deposition of, 737 III.
 Boyd, Augustus, grant of, continued, 574.
 Bradeson, John, document signed by, 413.
 Bradner, John, Minister at Cape May, 378 II.
 Bramble, John, Councillor, Montserrat, refuses to serve, 797.
 Bravo, —, 750 I.
 Bredal, E., Governor of St. Thomas, letter from, 526 III, IV.
 , , letter to, 526, 526 II, V.
 Bridger, J., Surveyor General of H. M. Woods in America, Act proposed by, for preserving *H.M. woods*, 616, 616 V, 617.
 , , charges against, by Elisha Cooke, 616, 616, 616 II, IV, VIII.
 , , , reply to, 616, 616 I, III, VII, VIII.
 , , , from N.H., 428, 458 II.
 , , Commission and Instructions of, revision of, 706.
 , , continues to officiate, 812.
 , , Councillor, N.H., appointment applied for, 283.
 , , , recommended for, 429.
 , , deputies of, allowance for, difficulty in obtaining, 429.
 , , , promise of reward to, 429.
 , , , question concerning, 617.
 , , , removed by Lt. Gov. Vaughan, 283.
 , , , unpaid, 283.
 , , , difficulties of, in preserving woods in N.E., 616.
 , , instructions of, 616, 706.
 , , land of, on Merrimac River, 616.

- Bridger, J.—*cont.*
,, letter from, 283, 616,
 616 v, vii, viii, 617, 672, 700 i,
 711 i, 735, 810 i, 812.
,, referred, 711.
,, letter to, 429.
,, misrepresentations by
 Mr. Dummer alleged by, 735.
,, prosecutions contem-
 plated by, 672.
,, salary, 617, 735.
,, payment of, with-
 held, 429.
,,,, reason
 for, 617.
,,, petition for, 812.
,, services of, 735.
,, superceded, 735.
 Bridgewater, Thomas, grant of, con-
 tinued, 574.
 Bridgman, *alias* Every, Henry, pirate,
 excepted from pardon, 9.
 Brinsden, John, killed in duel, 490.
 Brissac, P. de, plantation of, St. Kitts,
 proposal to purchase, 48.
,, condition for settling
 late French lands, proposed by,
 48 i.
,, complaint by, of heavy
 taxation, 48.
,, grant of, continued,
 574.
 Bristol, 384, 660.
, merchants, grant of New-
 foundland to, 798.
,, testimonial by, 64.
,, sailings for Newfoundland,
 626 i.
,, ship plundered by pirates,
 660.
 Brixham, Samuel, 751.
 Broadstreet, John, 392 ii.
 Brodbelt, Carëw, document signed by,
 439.
, Richard, document signed by,
 438, 439.
 Broderick, William, Attorney General,
 Jamaica, oaths administered
 to, 322.
,, dedimus to, 324.
,, document signed by,
 324.
 Brome, Col., 534.
,, recommended for
 Council, Barbados, 534.
 Broughton, Thomas, Councillor, Car.
 S., document signed by, 730,
 787.
 Brouillan, M. St. Ovide de, Lt.
 Governor of Cape Breton, Canso
 visited by, 635 i.
,, deception practised by,
 789.
,, letter from, 635 i.
,, letter to, 565 iv, 575.
 Brown, Anthony. *See* Antigua, Act
 to indemnify etc.
, Charles, passport of, 434.
, Henry, proposal to purchase
 plantation, St. Kitts, 47.
, John, Capt., deposition of,
 797 i.
,, pirate, trial of, 575,
 575 i.
, Thomas, pirate, 551 i.
 Browne, Henry, petition of, 309.
, Jeremiah, document signed
 by, 438, 439.
, Mrs. Sarah, grant of, con-
 tinued, 574.
, Stephen, proposal by, to
 purchase plantation, St. Kitts,
 42, 43, 61, 61 i, iii.
,, services of, 43, 61 ii.
,,, testimonial to,
 43 i, ii, 61 ii.
,, memorial by, 462, 470.
 Buck, Samuel, document signed by,
 286.
,, & Co., memorial by, 76.
 Buckridge, —, Collector, Antigua,
 estimate of lands in St. Kitts
 by, 6.
 Bull, Jonathan, Capt., taken by
 pirates, 797 iv.
,, deposition of, 797 iv.
 Buor, —, dismissal of, 644.
,, protection of, ordered,
 644.
, Peter, plantation of, St. Kitts,
 proposal to purchase, 48.
,, conditions of settling
 late French lands suggested by,
 48 i.
,, complaint by, of heavy
 taxation, 48.
 Burchal, —, letter from, 425.
 Burchall, Rev. Daniel, grant of, con-
 tinued, 574.
,, proposal to purchase
 plantation, St. Kitts, 62.
 Burchett, Josiah, Secretary of the
 Admiralty, History of Navy
 by, 624, 624 i.
,, letter from, 280, 394,
 440, 624, 669, 669 i, 688, 712,
 758.
,, letter to, 280 i, 304,
 414, 427, 430, 467, 608, 623,
 659, 669 ii, 678, 686, 758 i.
 Burk, Richard, petition of, 177 i.
 Burke, John, document signed by,
 413.
 Burnet, Mathias, document signed by,
 603 i.
 Burniston, —, Surveyor General of
 H.M. Woods in America, ap-
 pointment of, 735.
,, Commission of, 735.
,, to act by Deputy, 735.

- Burrell, Henry, 794.
 Burreau, J. *See* Bourryau.
 Burt. *See* Mathew, L.
Burwell, ship, 173 i.
 Bustill, Samuel, document signed by, 445 i.
,, letter, seditious, from, 373, 373 i-iv.
,, referred, 375, 376.
,, reprimand of, requested, 112.
 Butler, James, proposal by, 32.
,, Duke of Ormonde, 288.
, John, document signed by, 413.
, Richard, document signed by, 399.
, Thomas, 134 iii.
 Buxton, Eliz., petition of, 17.
 Byam, Edward, Councillor and Lt. Governor of Antigua, 358, 515, 705, 797.
,, document signed by, 411, 412.
,, letter to, 761.
, William, Councillor, Antigua, 797.
 Byerley, Thomas, Councillor, N.J., 12, 194.
,, document signed by, 738 i.
 Byrd, William, Agent of Council and Assembly, Va., 209, 406, 456.
,,, appointment of, 568.
,,, dismissal of, from Council, proposed, 588, 699.
,,, Instructions to, 568, 568 v, 800, 800 ii, iii.
,,, prepared by special Committee, 568.
,, letter from, 153, 208, 209, 398, 770.
,, petition of, 342 i.
,, referred, 342.
,, report upon, 410.
,, salary of, 568, 799.
,, Receiver General, Va., opposition of, to reform of revenue accounts, 800.
,, charges against, 422, 588, 588 i, 800.
,, recall of Lt. Gov. Spotswood urged by, 799, 800.
,, wife of, 209.
 Cadogan, William, Earl Cadogan, 373 iv.
 Caillard, —, character of, 110.
 Cairnes, Sir Alexander, proposal by, for settlement in Nova Scotia, 86.
,,, report upon, 105, 106, 432.
,,, enquiry concerning, 790.
,, document signed by, 286.
 Calvert, Charles, Baron Baltimore, claim of, to Three Lower Counties, report upon, 177 i.
 Campbell, Hugh, 392 ii.
, John, Duke of Argyll, 373 iv.
,, recommended for Council, Jam., 53.
 Campeche Bay, logwood cutting in, depositions concerning, 104 i.
,, protest against by Spain, reply to, 104 i.
,, right secured by Treaty of Utrecht, 104 i.
,, sanctioned by Lords of Committee (1673), 104 i.
, privateers turn pirates, 660.
, San Francisco de, Governor of, 104 i.
 Canada, communications with Louisiana, 389.
,, enquiry concerning, 334, 344, 402, 419, 450, 699, 723.
,,, reply to, 600, 657, 699, 700, 723, 800.
, expedition against, 317 xi.
, Fishery, 626 i.
, Governor of, instructions to, suggested, 185; *and see* Vaudreuil, Marquis de.
, Montreal, 657.
, St. Lawrence R., 261.
,, communications with Mississippi, 238.
,, French encroachments from, 550.
,, islands in mouth of, French claim to, 635 i.
, trade, illegal, with Nova Scotia, 351 ii.
 Canada, R. *See* Canada, St. Lawrence.
 Candler, Capt., R.N., 10, 271.
 Cannistogo, Pa., 101 i.
 Canso (Cancer). *See* Nova Scotia.
 Cant, Constantine, Capt., document signed by, 173 i.
 Canterbury, Archbishop of, 373 iv.
 Cape Breton, 550.
, deserters, return of, requested, 635 i.
, fishery, 626 i.
, French at, danger from, to N.E., 700.

C

Cabibel, Peter, petition of, 29.
Cadogan, ship, 736.

Cape Breton—*cont.*

-, French encroachments on Nova Scotia from, 351, 351 I, II, 575.
-, protest against, 575; *and see* Nova Scotia.
-, French inhabitants of Nova Scotia return from, 565.
-, Governor of, instructions to, suggested, 185; *and see* Brouillan.
-, trade, illegal, with Nova Scotia, 351 II.
- Cape Catoche, 104 I.
- Cape Cod, 177 I.
- Cape François, trade with, 620 I.
- Cape Henlopen (Cape James), 177 I.
- Caper Sacantry (Secontie), 261.
- Carkesse, Charles, Secretary to Commissioners of Customs, letter from, 277, 341, 382, 452, 495, 664.
-, letter to, 162, 245, 407, 555, 562, 648, 795.
- Carlile, Francis, petition of, 704.
-, receipt by, 746.
-, recommended for Council, Antigua, 752, 754, 797.
- Carlisle, Earl of. *See* Hay, James.
- Carnagy, James, French ship seized by, 591 II.
-, prosecution of, petition for, 591 II.
-, order for, 643.
-, proposed, 606.
- CAROLINA, French encroachments on, 238, 256.
-, measures against, 256.
-, Lords Proprietors of, Acts repealed by, 631.
-, Act, repeal of, instruction for, proposed, 514.
-, aid from, enquiry concerning, 486.
-, rejected by Assembly, 632.
-, boundary with Virginia, proposal referred to, 58.
-, Charter of, quoted, 463.
-, infringement of, enquiry concerning, 463, 489.
-, commissions and instructions by, 687, 694-696.
-, complaint against, 536 II, 660.
-, grants of lands by, 773; *and see* Mountgomery, Sir R.
-, instructions concerning, 632, 694-696.
-, letter from, 360 I, 442, 631, 632, 687, 694-696.
-, referred, 360.
-, letter to, 804, 814.

Carolina, Lords Proprietors of—*cont.*

-, instruction to, to reprimand Governor, 537.
-, to repeal act, proposed, 514.
-, memorial by, referred, 424.
-, petition to, 631.
-, reference to, 399.
-, rent-roll required by, 632, 697.
-, revenue of, 632.
-, surrender of government by, proposed, 493.
-, Secretary of. *See* Shelton, R.
-, warrant by, 630.
-, North, boundary with Virginia, proposal for, 58, 63.
-, Governor of, seat of, threatened by Indians, 699.
-, Indians, attack by, begun, 699.
-, pirates, commissions for trying, 405.
-, surrendered, 657, 800.
-, danger from, 657.
-, failure to restrain, 800.
-, South, Act, *to appropriate the Yamassee lands etc.*, repealed, 631.
-, *for better keeping public arms etc.*, enquiry concerning, 632.
-, *declaring the right of the House of Commons to nominate the Receiver*, repealed, 631.
-, *to grant encouragements to Protestant settlers etc.*, repealed, 631.
-, *to keep inviolate the freedom of elections and appoint who shall be deemed capable of choosing and being chosen members of Assembly*, repealed, 631.
-, additional to preceding, repealed, 631.
-, *laying additional duty on negroes*, 660.
-, *laying duty on British goods imported*, 660.
-, protest against, 452 I.
-, referred, 452.
-, report upon, 489, 514.
-, repeal of, 505, 514, 537, 562, 631.
-, instruction concerning, proposed, 514.

Carolina, South, Act—*cont.*

-,, *making commodities legal tender*, proposed, 687.
-,,, instruction concerning, 687.
-,,, *concerning powder and magazines*, repealed, 632.
-,,, *for regulating Indian trade*, renewed, 660.
-,,, effect of, feared, 660.
-,,, petition against, 631.
-,,, repealed, 631.
-,,, *for sinking bills of credit*, 660.
-,,, evasion of, petition against, 687.
-,,, instruction prohibiting, 687.
-,, Acts affecting trade, protest against, 452 I.
-,,, passed contrary to Charter, enquiry concerning, 463.
-,, Appalachia, R., settlement on, proposed, 389.
-,, arms supplied to, account of, required, 632.
-,, Assembly, 660.
-,,, Act *appointing who shall be deemed capable of choosing and being chosen members etc.* repealed, 631.
-,,, additional to preceding, repealed, 631.
-,,, Address by, for aid from Crown, 423.
-,,,, for resumption to Crown, 399, 536, 536 II.
-,,, aid from Lords Proprietors rejected by, 632.
-,,, claim to keep powder and magazines, denied, 632.
-,,, claim to nominate Receiver General, Act declaring, 631.
-,,,, repealed, 631.
-,,, Committee of, letter from, 423.
-,,, dissolution ordered by Lords Proprietors, 632.
-,,, instruction to, 537.
-,,, new, ordered by Lords Proprietors, 632.
-,,, payment of members proposed, 632.
-,,, refusal of, to tax their estates, 452 I.
-,,, Speaker of. *See* Logan, George.

Carolina, South—*cont.*

-,, Azilia, settlement of, proposed. *See* Mountgomery, Sir R.
-,, Barons, Samuel, petition of, 631.
-,, Cape Fear River, pirates in, engagement with, 730.
-,, Charter of, 424, 459, 475.
-,, coins and currency in, Act *ascertaining rates of foreign*, order for enforcement of, 632, 687.
-,,, paper, Act *for sinking bills*, 660.
-,,, observance of, ordered, 687.
-,,, issue of, prohibited, 687.
-,, Councillors, salaries, Proprietors refuse to pay, 632.
-,, defence of, measures for, enquiry concerning, 486; *and see* Car., Indians, war with.
-,, embargo laid in, 384.
-,, emigration to Bahamas expected from, 423, 737.
-,, Governor of, reprimand of, ordered, 537; *and see* Johnson, Robert.
-,, Governor and Council, letter from, 632, 730, 787.
-,,, letter to, 631, 632, 687, 695.
-,, guardship, request for, 556, 730, 787.
-,, imports of British goods, 452 I.
-,,, duty laid on, protest against, 452 I; *and see* Act *laying duty on etc.*
-,, Indians, Cherokees, French designs against, alleged, 238, 256, 800.
-,,, invasion by, feared, 384, 486.
-,,, peace with, 423.
-,,, peace with Creeks, rumoured, 504 I.
-,,, Creeks, murder of Col. Hastens by, 423.
-,,, peace with, offer of, 483, 504 I, 556.
-,,, peace with Cherokees, rumoured, 504 I.
-,,, Cuttabas, 423.
-,,, peace with, 79.
-,,, attacked by Senecas *etc.*, 59, 59 IV (a), 79, 79 IV (a).
-,,, enemy, encouraged by French and Spaniards, 423, 525, 556.

Carolina, South, Indians—*cont.*

-,, Southern, mission to propose peace, 423.
-,, treaties concluded with, 556.
-,, Tuscaroras, attack Cuttabas, 79, 79 iv (a).
-,, war with, aid from Lords Proprietors, enquiry concerning, 486.
-,, aid requested for, 423.
-,, causes of, alleged, 578 i.
-,, reply to, 578 i.
-,, cost of, 423.
-,, measures for paying, 452 i.
-,, expected, 384, 423, 456, 737.
-,, hostilities renewed, 536 ii.
-,, Yamassees, *etc.*, entertained by Spaniards, 423.
-,, Yamassees lands, act appropriating, repealed, 631.
-,, order of Lords Proprietors concerning grants of, 632.
-,, trade, act regulating, petition against, 631.
-,, repealed, 631.
-,, renewed, 660.
-,, effect of, feared, 660.
-,, lands in, grant of, 773 ; *and see* Mountgomery, Sir R.
-,, permission to make in Carolina, withdrawn, 695.
-,, and rent-roll, return of, required, 694–697.
-,, prepared by Col. Rhett, 697.
-,, Yamassees, act appropriating, repealed, 631.
-,, order of Lords Proprietors concerning, 632.
-,, surveyed, return of, required, 694.
-,, legal tender, Act to render commodities, proposed, 687.
-,, instruction concerning, 687.
-,, letters from, extracts of, 660.
-,, manufactures in, encouragement of, 452 i.
-,, Naval Officer, returns of, 290.

Carolina, South—*cont.*

-,, naval stores, exports of, 787.
-,, negroes, 660.
-,, danger from, 384.
-,, duty on, increased, 660.
-,, runaway, protected by Spaniards, 423, 556.
-,, pirates, capture of, 730, 787 ; *and see* Bonnet ; Vane.
-,, Charleston harbour blocked by, 730, 787.
-,, commissions for trying, 405.
-,, depredations by, 556, 660, 677, 730, 736, 737, 787, 797 i.
-,, engagement with, 730, 787.
-,, infest coast, 556, 730, 736, 787, 807.
-,, ship captured by, 556, 660.
-,, surrender of, upon proclamation of pardon, 556.
-,, return to piracy, 556.
-,, Proprietary Government, objection to, 660.
-,, Receiver General, Assembly's right to nominate, Act declaring, 631.
-,, repealed, 631.
-,, resumption of, to Crown, urged, 399, 525, 536, 536 ii, 660.
-,, Savana Town, 423.
-,, Secretary of. *See* Hart, Charles.
-,, settlers, Act to encourage, repealed, 631.
-,, state of, account of, 677.
-,, Spain, war with, declaration of, 804, 814.
-,, Surveyor of Customs in. *See* Rhett, William.
-,, Surveyor General of. *See* Yonge, Francis.
-,, trade, Acts affecting, 452 i.
-,, injured by pirates, 730, 787.
-,, with Indians, 660.
-,, with Spaniards, 660.
-,, with French, 660.
- Carpenter, General, 548.
-, Nathaniel, letter from, 36.
-,, petition by, 794.
- Carranza, Gonzales, Capt. Domingo, description of Spanish West Indies by, 820.
- Cartagena, 131 iv.

- Carter, —, Attorney General, L.I., 822.
, Robert, Councillor, Va., 799.
, William, Councillor, Barbados, document signed by, 742 xiv.
 Carteret, John, Lord, a Lord Proprietor of the Bahamas, document signed for, 176.
,, lease to Capt. Rogers signed by, 183.
,, surrender of government signed by, 183.
,, a Lord Proprietor of Carolina, document signed by, 360 I, 630-632, 687, 694-696.
,, Secretary of State, memorial to, 679.
 Carver, John, recommended for Council, Jam., 53.
 Cary, Samuel, document signed by, 683.
 Casada, Antonio, claim against, 679.
 Cassatorres, Marquis de, Governor of Havana, decree by, 252 vi.
 Castile, Sir James, 272.
 Catling, Nathaniel, deposition of, 551 v.
,, maltreated by pirates, 551 v.
 C.D. *See* Cox, Daniel.
 Chamberlain, Capt., R.N., 737.
 Chammorel, M., memorial by, 579 I, 591 I.
,, referred, 579.
 Chaplin, Charles, recommended for Council, Jam., 53.
,, removed, 144.
, John, Receiver, Jam., appointed by Assembly, 89.
 Chapman, Richard, deposition of, 359 ix.
 Charles I., grants by, 261, 534, 616 II, iv, 628 I, 744, 798.
, II, grants by, 177 I, 534, 781.
, letter from, 8 I, 628 I.
 Charnock, Charles, Commission of, 673.
 Chester, Edward, document signed by, 413.
,, jr., document signed by, 413.
, Robert, document signed by, 286.
 Chetwynd, John, a Lord Commissioner of Trade and Plantations, 233, 602, 625.
, William, a Lord Commissioner of the Admiralty, document signed by, 619.
 Child, Sir Josiah, quoted, 798.
 Choppin, John, document signed by, 438, 439.
Christiana, ship, taken by pirates, 797 iv.
 Cittadela, 548.
 Clark, Capt., 660.
 Clarke, —, Deputy Auditor N.Y., right to audit accounts denied, 650.
, John, recommended for Council, Jam., 53.
, Thomas, 445 I.
,, document signed by, 445 I.
 Clayton, Alexander, letter from, 251.
, Robert, plantation of, in St. Kitts, grant of, 26 II.
,,,, warrant confirming, 26 I.
,,,, proposal to purchase, 26.
 Cleeves, William, petition of, 370, 370 I.
,, report upon, 527.
,, conduct of, approved, 64, 527.
 Clifton, Benjamin, grant of, continued, 574.
 Cobb, Capt., receipt by, 716 I.
 Cochran, Archibald, Councillor Antigua, 797.
,, document signed by, 411, 412.
, James, document signed by, 399, 403.
, John, proposed for Council, Montserrat, 797.
, Richard, document signed by, 411, 412.
 Cockburne, John, a Lord Commissioner of the Admiralty, document signed by, 619.
, William, Secretary, Jamaica, appointment of, 218 I.
,,,, dismissal of, 218 I.
,, decree against, for repayment of profits, 218 I.
,, letter from, 131.
,, order by, 225.
,, petition of, for permission to appeal, 218 I.
,, referred, 218, 232.
,, report upon, 266, 320 I.
,, report referred, 366.
 Cocke, William, Secretary, Va., letter from, 174.
 Cockram, Capt. (Bahamas), 737.
,, pirate, reformed, 807.
 Cockrem, Philip, deposition of, 737 III.
 Codrington, Christopher, General, late Governor of the Leeward Islands, 45.
,, grant by, 31, 31 I.
,, instruction to, 8 I.
,, plantation of. *See* Codrington, W.
, William, Councillor, Antigua, absentee, 797.

- Codrington, William—*cont.*
 , executor of preceding petition for grant of plantation in St. Kitts, 60 I, II, 129.
 , , referred, 60.
 , , hearing of, 265, 315, 513.
 , , offer by, to purchase plantations in St. Kitts, 82.
 , , report upon, 156.
- Coins and currency in the Plantations, *Act for ascertaining rates of foreign*, infringement of, enquiry concerning, 402.
 , , order for enforcing, 402, 632.
 , paper, Car. S., *Act for sinking* 660, 687.
 , , further issues of, prohibited, 687.
 , , Mass., depreciation of, 724 I.
 , , N.E., depreciation of, 193.
 , , N.Y., success of, 199, 236, 317, 650, 663, 724 I.
 , , *Act for issuing*, report upon, 663.
 , , , objections to, 516, 516 I, 663, 663 I; *and see* N.Y. *Act for paying debts*.
 , , , reply to, 518, 519.
 , , Pa., 781.
 , tobacco, quit-rents, payable in, Va., 422.
- Colby, Thomas, Commissioner of the Navy, document signed by, 386.
- Coleman, Nicholas, contract with, 280, 280 II, 303, 304.
 , , complaint by, 280.
 , , document signed by, 280 II.
 , , enquiry concerning, 282.
 , William, plantation of, St. Kitts, proposal to purchase, 83.
- Colledge, —, rooms of, in Whitehall, 484.
- Colleton, Sir John, a Lord Proprietor of the Bahamas, document signed by, 176, 183, 360 I, 630–632, 687, 694–696.
 , John, appointed to Council, Barbados, 75, 81.
 , , recommendation of, 56.
- Collins, John, Nfd., instructions to, 751.
 , , recommended for Commission of the Peace, 751.
- Comes, William, letter from, 806 I.
 , , referred, 806.
- Commons, House of, Address for papers concerning pirates, 393, 393 I.
 , , reply to, 400.
 , , order by, concerning St. Kitts, 34.
 , , order for report on naval stores, 328, 328 I.
 , , premium on iron from the Plantations applied for, 450.
- Congreve, William, Secretary of Jamaica, Deputy of, 449; *and see* Page, S.
 , , letter from, 130.
 , , letter to, 332.
 , , patent of, 232, 266 II.
 , , warrant appointing, 509.
- Conkling, Cornelius, document signed by, 603 I.
- CONNECTICUT. *And see* Mulford, S.
 , Governor and Company of, instructions to, concerning acts affecting British trade and shipping, 759.
 , , , for prevention of trade with French, 193.
 , , , proclaiming war with Spain, 804.
- Connecticut, R., 177 I.
- Conner, Patrick, document signed by, 298 VII.
- Conseillere, de la, Benjamin, document signed by, 399.
- Considem, John, 134 IV.
- Convicts, transported to the Plantations, unsatisfactory, 681.
 , *Act for transporting*, 681.
- Convoys, Governors' control of, recommended, 144; *and see* Navy.
- Cooke, Sir Charles, a Lord Commissioner for Trade and Plantations, 233, 625.
 , Elisha, Councillor, Mass., attacks Bridger, 616.
 , , depositions concerning, 700, 700 I, II.
 , , letter from, 616.
 , , rejected from Council, 616.
 , , , suspended, 700.
 , , Crown rights to woods in Maine denied by, 616, 616 II, IV, VI, 672.
 , , , reply to, 616, 616 I, III, 744.
 , , memorial by, 616, 616 II, IV.
 , , , reply to, 616, 616 I, III, VII, VIII.
 , , representation of, 616, 616 II.
 , , , reply to, 616, 616 III.
 , , summons to England, proposed, 617.

- Coope, Richard, letter from, 762.
- Cooper, James, document signed by, 603 I.
-, Samuel, deposition of, 551 I.
-, Sigismund, certificate by, 43 II.
- Coote, Richard, Earl of Bellomont, late Governor of New York, letter from, 268, 810.
- Copper, in the Plantations, 819.
- Coram, Capt. Thomas, in France, 396.
-, letter from, 268, 383 I, 823.
- Corbin, T. (Va.), 799, 800.
- Cornbury, Lord, late Governor of New York. *See* Hyde, Edward.
- Cornelius, John, Naval Officer, Barbados, leave of absence for, 646.
- Cortlandt, Philip, document signed by, 516 I.
- Costa, Fernando da, petition of, 750 I.
-, referred, 750; *and see Nassau*, case of.
- Coudon, —, pirate, 551.
- Council, Privy. *See* Privy Council.
- Cox, Sir Charles, letter from, 698.
-, Daniel, New Jersey, charges by, against Governor Hunter, 600.
-, hearing of, by Committee of Privy Council, 633.
-, intrigues of, 194, 195, 373, 373 I-IV 375, 376.
-, measures to check, urged, 112, 194.
-, letter from, 195, 373, 373 I-III.
-, referred, 344, 375, 376.
-, authenticity of, 344.
-, Ministers' support of, alleged, 373, 373 III, IV, 375, 376.
-, reprimand of, 22, 344.
-, request for, 112.
-, Samuel, Councilor, Barbados, deposition of, 77.
-, petition of, 753 I.
-, referred, 753.
-, report upon, 767.
-, suspension of, caveat against, 698.
- Crab Island. *See* Virgin Islands.
- Cracherode, Anthony, Registrar in Chancery, Barbados, petition of, 210, 229, 265.
-, report upon, 259.
-, withdrawn, 269.
- Craggs, J., Secretary of State for Southern Affairs, 628 I.
-, appointment of, 446.
- Craggs, J.—*cont.*
-, document signed by, 509, 646, 654, 661, 673, 680, 719, 760, 774, 775, 793, 801, 805.
-, letter from, 318, 446, 490, 574, 579, 591, 593, 594, 604, 605, 622, 639, 643-645, 749, 750, 752, 753, 757, 761, 782, 803, 804, 813 I, 816-818.
-, letter to, 466, 480, 485, 525, 539, 557, 580, 582, 595, 606, 612, 619, 628, 640, 665-667, 677, 685, 703, 720, 723, 754, 756, 766, 767, 780, 782 I, 789, 807.
-, Secretary of. *See* Tickell, Thomas.
- Craigh, —, Capt., 660.
- Craven, William, Lord, a Lord Proprietor of the Bahama Islands, a minor, 176.
-, document signed for, 176, 360 I, 630-632, 687, 695, 696.
- Crisp, Joseph, 134 IV.
- Croft, John, document signed by, 399.
-, certificate by, 43 II.
- Crooke, Clement, Chief Justice, St. Kitts, 66.
-, dismissal of, 134, 487, 736.
-, charges against, 134, 134 I-IX.
-, grant of, continued, 574.
- Crowley, ship captured by pirates, 660.
- Crozat, M., patent of, 238, 600.
-, surrendered, 238.
- Crump, Nathaniel, Councilor, Antigua, 797.
-, document signed by, 411, 412.
- Cuba, 131 V.
-, Havana, 298 III, 310 II.
-, Asiento, Factor at, 737 IV.
-, expedition from, 797.
-, Governor of, complaint against, 807; *and see* Cassatorres.
-, instructions of, to attack Bahamas, 737 VII, VIII.
-, trade, with Bahamas, 737, 737 III.
-, with N.Y., 737 IV.
- Cumana, 692 VI-VIII.
- Cummings, Archibald, Surveyor of Customs, Boston, document signed by, 85 I, 620 I.
-, letter from, 85, 256, 330, 620, 621.
-, letter to, 418.

Cummings, Archibald—*cont.*
,, proposals by, referred,
 407.
 Cunyngham, —, letter to, 425.
 Cunynghame, Daniel, son of following,
 260.
, Robert, plantation of, St.
 Kitts, petition concerning, 260.
,,,, report
 upon, 325.
,, services of, 260.
 Curl, Rebecca, pardon for, 179.
 Customs, H.M., 104 I.
,, accounts, Newfd., 798.
,, Commissioners of, 739 ;
and see Carkesse, Charles.
,,, letter from, 277 I,
 579.
,,, letter to, 452 I,
 495 I; *and see* Carkesse, C.
,,, Secretary to. *See*
 Carkesse, Charles.
,,, Officers of. *See*
 Armstrong, R.; Cummings, A.
,,, hostility to, in
 Proprietary Governments, 616.
,,, order to, 798.
,,, Surveyor General of,
 in America. *See* Keith, W.
,,, in Barbados and
 L.I. *See* Dunbar.
 Cuyler, Henry, document signed by,
 516 I.
 Cyan, trade with, 620 I.

D

Daffye, Samuel, Capt., receipt by,
 714 I.
Daily Courant, The, 24.
, copy of, 113.
 Dalle, Axen, 494 I.
 Daly, John, Councillor, Montserrat,
 797.
 Dam, Rip Van, document signed by,
 738 I.
 Dane, Capt., 797.
 Daniel, Ja., Clerk of Council, Jam.,
 document signed by, 681 III.
, Robert, late Lt. Governor,
 S. Carolina, 423.
 Danson, John, a Lord Proprietor of
 Carolina, document signed by,
 360 I, 630–632, 687, 694–696.
,, grant of lands to,
 773.
 Darby, Philip, 761.
,, document signed by,
 413.

Darcy, Charles, document signed by,
 298 VII.
, Robert, Earl of Holderness,
 President of the Board of Trade,
 339, 625.
, Walter, proposal by, for
 plantation, St. Kitts, 44.
Dauphin, case of, (Jam.), 591 II.
,, representation on, 606.
,, order upon, 643.
 David, Capt., pirate, 797.
 Davies, Capt., quoted, 798.
 Davis, John, Councillor, St. Kitts, 797.
,, document signed by,
 43 II.
,, grant of, continued, 574.
, Mrs. Elizabeth, grant of,
 continued, 574.
, Thomas, pirate, trial of, 575,
 575 I.
 Dawes, George, Collector, Jam.,
 account of, 681, 681 v.
 Deacon, George, Councillor, N.J., 12,
 739.
,,, superceded, 348,
 613.
 Dehaldy, Capt., 542 (*e, f.*).
 Delafaye, Charles, Secretary to the
 Lords Justices, letter to, 449.
 De Lancey, Stephen, document signed
 by, 516 I.
 Delap, Francis, document signed by,
 413.
 Delaware, R., 177 I.
,, islands in, claims to,
 report upon, 177 I.
Delicia, ship, 737.
 Denbow, Richard, document signed
 by, 413.
 DENMARK and the DANES, claim to
 and settlements on St. Thomas,
 Crab I. and St. Johns I., 298,
 526, 593 I–IV, 736.
,,, enquiry concerning,
 610.
,,, observations on,
 609.
,,, protest against,
 298, 298 x, 494, 494 I, II, 526,
 526 I, II, v.
,,,, reply to,
 526 III, IV.
,,, referred, 593.
,,, report upon, 8, 8 I;
and see Virgin Islands.
, Danish West India Company,
 593 I.
,, exactions by, for run-
 away slaves *etc.*, protest
 against, 298 x.
, Envoy. *See* Sohlenthal, Baron
 de.
,, naval stores supplied to
 French by, 628 I.
, trade with N.E., 620 I,

- Depeyster, Abraham, document signed by, 738 i.
- Derby, Earl of: *See* Stanley, James.
- Descavado, Don Fernando, Governor of San Francisco de Campechy, 104 i.
- Dewick, William, deposition of, 737 iv.
- Diamond*, H.M.S., 109 ii, 117, 280 i, 447, 566.
-, sloop, captured by pirates, 551 i, v.
- Digges, Cole, formerly Councillor and Depty. Auditor, Va., 800.
-, son of above, proposed for Council, 588, 699, 799, 800.
- Diharce, Peter, letter from, 246, 252.
-, letter to, 230.
-, petition of, 4 i, ii, 310 i, 541.
-, referred, 4.
-, reply to, 482.
-, report upon, 350.
-, request for, 310; *and see* *Nuestra Senora de Belem*.
- Diligence*, galley, 131 v.
- Docminique, Paul, a Lord Commissioner for Trade and Plantations, 233, 625.
-, letter to, 396.
-, reference to, 373 iii.
- Dodan, 230.
- Dolphin*, sloop, seized by Spaniards, 737 iii.
- Doucett, Capt. John, Lt. Governor of Annapolis Royal, 550.
-, Address to, 351 ii.
-, in favour of, 340 i.
-, allegiance of French inhabitants required by, 185, 185 i.
-, reply to, 185 ii.
-, arrival of, 392 ii.
-, commission of, 185.
-, departure of, 185.
-, letter from, 185, 340, 351, 352, 371, 371 i, ii, 392 ii, 565, 565 i, iii-v, 635, 789.
-, letter to, 185 ii, 351 i, 371 iii, iv, 565 ii, 635 i, 789 i.
-, Proclamation by, concerning ships clearing from Annapolis Royal, 392 ii.
- Douglas, Dr. James, plantation of, St. Kitts, grant of, 46.
-, John, plantation of, St. Kitts, grant of, 46.
-, order concerning, 816.
-, petition for confirmation of, 46.
-, Walter, late Governor, L.I., grant of lands by, 260, 441.
- Douglas, Walter—*cont.*
-, lands of, 691.
-, petition concerning, 60 i, ii.
-, referred, 60.
- Douglass, James, proposal by, for settlement in Nova Scotia, 3 i, ii, 86.
-, referred, 3.
- Downing, Denis, examination of, 738 ii.
-, Nathaniel, document signed by, 603 i.
-, Peter, document signed by, 298 v.
- Dragon*, H.M.S., 394, 751 i, ii, 758 i.
- Drake, Jonathan, document signed by, 399, 423.
- Drummy, John, deposition of, 373, i, ii.
-, referred, 375.
- Dubraul, —, lands of, 789 iv.
- Dudley, J., late Governor of N.E., commission of, for trying pirates, 656, 658, 659, 747.
-, letter from, 669 i.
-, Sir Matthew, letter to, 810 i.
- Dujarz, document signed by, 397.
- Duke and Duchess*, pirate ship, 797.
- Dummer, Jeremiah, Agent for Mass. Bay and New Hampshire, Commission of, 783.
-, required, 771.
-, dismissal of Bridger and Lt. Gov. Taylor procured by, 735.
-, letter from, 354, 383 ii, 428, 458, 592, 744.
-, letter to, 669 i, 771.
-, memorial by, report upon, 261.
-, reply to, 268.
-, petition of, 458 i.
-, misrepresentations by, alleged, 735.
-, proposal of, concerning lands adjoining Nova Scotia, 543.
-, vote for (N.H.), 458 ii.
- Dunbar, Capt., Nevis, 230.
-, ? Charles, Surveyor General of Customs, Barbados and Leeward Islands *etc.*, letter from, 495 i.
-, referred, 495.
-, William, document signed by, 413.
- Duncan, A., certificate by, 10 v.
- Duport, John, Councillor, St. Kitts, death of, 736.
-, Stephen, Agent for Leeward Islands, document signed by, 200.

Duport, Stephen—*cont.*
, claim of, to grant in aid,
 510.
, letter from, 609.
, plantation of, St. Kitts,
 claim to, 510.
, wife of above, 510.
 Durell, Capt., R.N., 357.
 Durham, David, document signed by,
 399.
 Dutch West India Company, Director
 of, complaint by, 818 i.
, letter to, 316, 443, 444,
 455, 690, 693, 702, 725, 725 i,
 777, 778, 811, 818 i.
, Minutes of Court at Essequibo,
 693 i; *and see* Holland.

E

Eagle, sloop, case of, 131 iv, v, 681 ix,
 797 vi.
 Earle, Charles, hostage at Martinique,
 release of, proposed, 230; *and*
 see Nevis, invasion by French.
 Eden, Charles, Lt. Governor of N.
 Carolina, letter from, 58.
 Edinburgh, lottery, petition for, 671 i.
Edward and Sarah, ship, 737, 737 iv.
Edward and William, ship, seized by
 Spaniards, 737 iv, v.
 Edwards, Capt., taken by pirates,
 797 ii.
, pirate, 298 ii.
, John, 575 i.
, William, document signed by,
 603 i.
 Eleis, Robert, document signed by,
 438, 439.
 Eliot, John, document signed by,
 413; *and see* Antigua, Act to
 indemnify.
Elizabeth, sloop, capture and re-taking
 of, 551.
 Elmes, Thomas, deposition of, 729
 (b).
, document signed by,
 192.
 Emott, George, document signed by,
 516 i.
Emperor, ship, captured by pirates,
 737.
 England, A. *See* Sanders.
, Edward, pirate, 797 ii-vi.
 Escoubert, Capt., 591 ii; *and see*
 L'aimable Marie, case of.
 Esmit, Adolph, Governor of St.
 Thomas, letter from, 593 i, ii.
 Essequibo, Minutes of Court at, 693 i.

Estridge, Benjamin, proposed for
 Council, St. Kitts, 559.
, Joseph, Councillor, St. Kitts,
 797.
, grant of, continued, 574.
 Evans, Capt., R.N., grant of land to,
 in N.Y., resumed, 650.
 Every, Henry. *See* Bridgman.
 Exchequer, Chancellor of. *See* Aislabie,
 John.
 Exuma I. *See* Bahama Islands.
 Eyles, Sir John, petition of, 822.

F

Fairfax, William, Councillor, Bahamas,
 737.
, commendation of, 737.
, Judge of the Admiralty,
 737.
 Fallon, James, petition of, 309.
 Fanquier, Marquis de, General of
 French W.I., 753 i.
 Fawler, J., Commissioner of the Navy,
 document signed by, 386.
 Félix, Père, letter from, 371 iii, 565 ii.
, letter to, 371 i, 565 iii.
 Fenton, Thomas, plantation of, peti-
 tion concerning, 32.
, William, plantation of, pro-
 posal to purchase, 21.
 Fernando, Francesco, Commander of
 privateer, Jam., case of, 117,
 118, 131 iv, v.
, order to, 225; *and see*
 Nuestra Senora de Belem.
 Fife, Capt., forced to turn pirate, 551.
, retakes ship, 551, 720.
 Florida, Spanish wrecks off, fishing on,
 737 iv, v; *and see* Spain.
 Floyer, John, recommendation of, as
 Naval Officer, L.I., 822.
Flying Post, The, 238.
 Forbes, Josiah, arrest for piracy, 10 vi.
 Forde, —, Nfd., charge against, 626 i.
 Forest, George, document signed by,
 413.
 Forte, Samuel, document signed by,
 742 xiv.
Fortune, sloop, captured by pirates,
 551 ix.
 Foster, Christopher, document signed
 by, 601 i.
, Miles, N.J., death of, 739.
 4½ p.c. duty, th3, 534.
 Fowler, Richard, document signed by,
 603 i.
 Fox, Anthony, Councillor, Montserrat,
 797.

FRANCE AND THE FRENCH; *and see*
 Canada; Cape Breton; Indians;
 Louisiana; Martinique; Missi-
 ssippi; Nova Scotia.
, Bahamas, attack on, feared,
 737.
,, claimed by, 737.
, Ambassador of, Secretary to.
See Chammorel.
, British vessels seized by, 54,
 64; *and see* Nova Scotia.
,, representation concern-
 ing, 64.
, Compagnie de l'Occident,
 patent of, 238.
, designs of, letter concerning,
 238.
, encroachments on Carolina,
 238, 256.
,, measures against, 256.
, forts, in bad repair, 700.
,, built by, amongst Creeks,
 423.
,, map showing, 700.
, Hispaniola, settlements on,
 298.
, Martinique, revolt at. *See*
 Martinique.
, Mississippi, settlements on,
 238, 389, 660.
,, enquiry concern-
 ing, 389, 544.
,,, measures to pre-
 vent, 389; *and see* Mississippi.
, naval stores supplied to, by
 Danes, 628 i.
, Nevis, claims under capitula-
 tion. *See* Nevis.
, pirate taken by English pirate,
 797 ii, vi.
, pirates, ships taken by, 660,
 737, 797 ii, 800.
, plantations of, 103 i.
, Regent, the, 185.
, Sta. Lucia, settlement on,
 representation concerning, 64.
, sugar, taxation of imported,
 103 i, 227; *and see* Barbados,
 Act taxing; Antigua, Act to
 prohibit.
, trade with, 227, 660.
,, prohibition of, 134, 193,
 227, 227 i, 317, 534.
,, difficulty of pre-
 venting, 317.
,, ship condemned
 for, 134.
,, Jamaica, 181.
,, Nfd., 798.
,, Spaniards in W.I.,
 389.
,, Va., prohibited, 657, 657
 ii.
, War with Spain, declared by,
 803, 804, 813 i.

France and the French—*cont.*
, Treaty with, 789 i; *and see*
 Treaty of Utrecht *etc.*
, wool, export to, from N.E.,
 620, 621.
 Freeman, Arthur, Act concerning. *See*
 Antigua, Act to enable.
, Dorothy, wife of above, 564;
and see Antigua, Act to enable
etc.
, Edmond, charge against, 751.
,, bond of, 751 i.
,, document signed by,
 411, 412.
 Fretwell, Peter, recommended for
 Council, N.J., 112, 194, 219.
,,, appointed, 234,
 347.
 Frontenac, Lake, 238.
 Frowd, Capt., pirate, 797, 797 v.
 Frye (Frey), John, Col., Councillor,
 Antigua, document signed by,
 411, 412.
,, leave of absence, 736,
 797.
, William, Councillor, Mont-
 serrat, 797.
 Fundy, Bay of, 185, 351.
 Fyal, trade with, 330.

G

Galdy, Lewis, owner of privateer,
 Jam., 131 i-v.
,, bond taken from, 131
 iii.
,, document signed by,
 252 iv; *and see* Nuestra Senora
 de Belem.
 Gale, Christopher, Councillor, Bahamas,
 737.
,, commendation of, 737.
,, Chief Justice, 737.
, Wingate, Councillor, Bahamas,
 737.
,, commendation of, 737.
 Gamble, James, document signed by,
 413.
, John, Col., Councillor,
 Antigua, 797.
,, appointment of, 358,
 583, 661.
,, proposed, 573.
,, document signed by,
 411, 412.
,, Chief Justice, 358.
,, services of, 358.
,, jr., document signed by,
 413.

- Gardner, Samuel, document signed by, 438, 439.
- Garnett, John, proposed for Council, St. Kitts, 559.
-, not admitted by Governor Hamilton, 797.
- Gaspard, —, (Jam.), French ship seized by, 591 II.
-, imprisoned, 591 II.
-, prosecution of, petition for, 591 II.
-, order for, proposed, 606.
- Geo, Joshua, application to Parliament by, 450.
-, letter from, 819.
-, letter to, 772, 784.
-, memorial by, 586.
-, petition of, 3 I, II.
-, referred, 3.
- Gelsherke, H., letter from, 777.
- George I, King, allegiance to, oath of, required from French inhabitants of Nova Scotia, 185, 185 I.
-, refused, 185 II.
-, dethronement by Pretender rumoured in Nova Scotia, 185.
-, in Council, appeals to, 79, 87, 144, 232, 266; *and see* Privy Council.
-, procedure in, 266.
-, orders, commissions, instructions, proclamations, references, warrants by, concerning;—acts affecting trade and shipping, 90 I, 111, 142.
-, Antigua, 337, 368, 573, 583, 584, 647, 661, 769, 775; *and see* Leeward Islands.
-, Bahama I., 64, 167, 220 I, II, 278, 305, 353.
-, Barbados, 52, 57, 137, 138, 160, 179, 646.
-, Carolina, 360, 537, 562, 587, 637.
-, Council of Trade, 625.
-, Declaration of War with Spain, 780, 803, 804, 813 I, 814.
-, fees for copies of orders, 408.
-, fishing upon wrecks, 131 v.
-, Hudson's Bay, 793.
-, Jamaica, 38, 64, 97 I, 109 VI, 123, 124, 144 I, 169, 178, 180, 240, 264, 291, 295, 301, 302, 306, 331, 332, 361–367, 509, 638, 641, 642, 680, 768, 774, 792.
- George I, King, orders *etc.* by, concerning—*cont.*
-, Leeward Islands, 64, 72, 75, 81, 136, 583–585, 654, 719, 805; *and see* Antigua; St. Kitts.
-, Massachusetts Bay, 544.
-, Montserrat, 136.
-, Nevis, 585.
-, Newfoundland, 20, 39, 64, 527.
-, New Hampshire, 80, 674.
-, New Jersey, 234, 346–348, 378, 445, 454, 558, 629.
-, New York, 172, 377, 600 I.
-, Nova Scotia, 19, 37, 523, 673.
-, pirates, pardon and trial of. *See under* Pirates.
-, presents for Governors, 64.
-, reprisals against Spain, 780.
-, St. Kitts, 60, 61, 66, 203, 336, 369, 574; *and see* Leeward Islands.
-, seals for the Plantations, 127, 135.
-, Surveyor and Auditor General, 154.
-, Virginia, 342, 380.
-, addresses, appeals, petitions, representations to, concerning;—Antigua, 158, 191, 217, 277, 312 I, 368 I, 515, 579, 579 I, 611, 745, 802; *and see* Leeward I.
-, Bahamas, 287.
-, Barbados, 2 I, 56, 57 I, 68 I, 79, 87, 143, 148, 159 I, III, 753 I.
-, Carolina, 360 I, 399, 423, 493, 514, 536, 536 II, 671 I.
-, failure of scheme for invasion, 35, 340.
-, ecclesiastical jurisdiction in the Plantations, 159 I.
-, Jamaica, 4 I, 18 I, 35, 97 I, 109 I, 144, 163 I, 168, 178 I, 218 I, 272, 320 I, 591 I, 681, 681 III, 748, 750 I, 765.
-, Leeward Islands, 158, 237, 412, 413, 439; *and see* Antigua; Nevis; St. Kitts.
-, logwood cutters in Campeche Bay, 104 I.

- George I, King, addresses etc. to, concerning—*cont.*
 Maryland, 288, 289.
 Massachusetts Bay, 543.
 Nevis, 102 I, 540; *and see* Leeward Islands.
 New England, 543.
 Newfoundland, 318, 392 I, 527, 550, 798, 808.
 New Hampshire, 627.
 New Jersey, 219, 326, 373 III, 445 I, 597.
 New York, 113, 161, 333, 499 I, 603 I, II, 709.
 Nova Scotia, 3 I, 392 I, 543, 550.
 Pennsylvania (Three Lower Counties), 117 I.
 pirates, 91, 372, 393 I, 539, 780.
 pressing of seamen, 471.
 St. Kitts, 43, 60 I, 61 I, 158, 203 I, 325; *and see* Leeward Islands.
 St. Thomas, 8 I.
 sturgeon, patent for, 149 I, 222, 222 I.
 Virginia, 342 I, 343, 410, 568 III–V, 757 I, 800 II.
 Virgin Islands, 8 I, 628, 652, 818 I; *and see* Leeward Islands.
 War with Spain, 803, 804, 813 I, 814.
 George, Prince of Wales, petition to, concerning Jamaica, 65 I–III.
 Gerard, Capt., 618.
 German miners in Virginia, 800.
 German Protestant Refugees (Palatines), estimate for transporting to the Bahamas, 76.
 destitution of, 76.
 character of, 600.
 indentured servants for Pennsylvania, 76.
 New York, money advanced by Governor Hunter for, 402, 600.
 account of, 235.
 application to Parliament for, 112, 236, 602.
 report upon, required, 402.
 settlement of, on Hudson River *etc.*, account of, 600, 650 I.
 German Protestant Refugees, New York, settlement of—*cont.*
 on frontiers, proposed, 600.
 Weiser sent to England on behalf of, 600.
 Gerrish, John, Councillor, N.H., death of, 283.
 William, Councillor, Montserrat, leave of absence, 797.
 Gibbon, William, document signed by, 399.
 Gignilliat, Peter, grant of, continued, 574.
 Gillard, Edward, 794.
 Gillmon, Nicholas, recommended for Council, N.H., 700.
 Giraudel, M., plantation of, St. Kitts, 260.
 Gloucester, H.M.S., 593 IV (A).
 Glover, Richard, seditious speech by, 359 XI.
 Robert, character of, 359.
 deposition of, 358 I, 359, 359 I.
 Godfrey, —, 317.
 John, document signed by, 399.
 Godin, Stephen, 660.
 petition of, 631.
 Godolphin, Sir William, 104 I.
 Gomersall, Ezekiel, Councillor, Jam., appointed, 144.
 appointment of, 144.
 Gordon, James, deposition of, 134 IV.
 Thomas, Councillor, N.J., 194, 373 IV.
 Receiver General, document signed by, 651.
 Rev. W., Barbados, attempt by, to erect ecclesiastical Court, protest against, 68 I.
 referred, 68.
 report upon, 159.
 character of, 88, 159.
 charges against, reply to, 88, 733.
 Commission of, 159, 159 V.
 removal of, recommended, 159.
 return by, 763.
 Gorges, Sir Ferdinando, grant to, 616 II, IV, 744.
 Gowers, Arnold, Capt., 737.
 Grant, Juan Patricio, document signed by, 252.
 Graves, —, Collector, Bahamas, 737.
 Greathead, John, grant of, continued, 574.
 Green, Bartholomew, Printer, Boston, 575 I.

Green Turtle Key, 737.
 Gregory, John, proposed for Council, Jam., 116.
,, appointed, 144.
 Grevill, Doddington, guardian of the Duke of Beaufort, document signed by, 176.
 Grey, Thomas, affidavit of, 177 i.
 Grymes, John, Depty. Auditor, Va., 800.
,, document signed by, 406 i, 657 v, vi.
,, opposition to Lt. Gov. Spotswood led by, 799.
 Guadeloupe, 134 vi.
, competition of, feared, 534.
, Papist settlers from Antigua, 309.
, pirates attack, 298 ii.
, soil of, enquiry concerning, 652.
, trade with, prohibition of, recommended, 534.
 Guardia, John Bernardo de, letter from, 246, 252.
,, letter to, 239.
,, petition of, 4 i, ii, 310 i, 541.
,, referred, 4.
,, report upon, 350, 482.
,,, requested, 310; *and see Nuestra Senora de Belem*.
 Guilford, Guildford, Lord. *See* North, Francis.
 Guinea, trade in negroes, 196.
 Gunthorpe, John, document signed by, 411, 412.

H

Haddon, John, document signed by, 413.
 Hager (?), John, document signed by, 650 i.
 Hakluyt, quoted, 798.
 Hales, Robert, Clerk of the Privy Council, document signed by, 178 i, 203, 338, 342, 377, 378, 380, 499, 537, 583-585, 587, 768, 769.
 Hall, Arthur, document signed by, 399.
, Giles, 351 i.
, Joseph, document signed by, 298 vii.
, William, Capt., captured by pirates, 551 x, 730.
,, deposition of, 551 x.

Halsey, Abraham, document signed by, 603 i.
, Isaac, document signed by, 603 i.
 Halsted, John, recommended for Council, Jam., 53.
 Hambly, Peter, 445 ii.
,, document signed by, 445 i.
 Hamilton, Lord Archibald, late Governor of Jamaica, affidavits against, alleged to be perjured, 109 i.
,, arrest of, unjustified, 109 i, 169.
,, charges against, of being concerned in piracy of privateers, 131 iv, 225.
,,, dropped, 109 i, 169.
,,, enquiry into, irregularities of, 109 i, 140.
,,, hearing of, 109 i, 169 i, 170 iii.
,,, petition for, 109 i, 169.
,,, reply to, 64, 109 i-vi, 131 i-iii, v, 170 i.
,,, evidence for, 169, 170 i.
,,, referred, 109.
,,, report upon, 64, 169.
,,, order upon, 64.
,, document signed by, 109 iv, 131 i, ii, 322, 324.
,, grant by, 97 i.
,, Instructions of, 168, 169, 234, 266 iii.
,, *Kensington* sloop (N.S. de Belem), appeal allowed in case of, 350.
,, commission for re-trying, 323; *and see Nuestra Senora de Belem*.
,, letter from, 121.
,, letter to, 109 ii, iii, vi, 120, 252 vi, 482.
,, money deposited by, 681 ix.
,, debt due to, for subsisting soldiers, payment of, ordered out of Revenue, 64, 18, 18 i, 64, 681.
,,,, with interest, 64.
,,,, recommended to Assembly, 64, 144 i.
,,,, refused by Assembly, 681.
,, salary and other debts, account of, ordered, 64.
,, order by, to Fernando, copy of, requested, 225.

Hamilton, Lord Archibald—*cont.*

-, papers submitted by, 117–125, 131 i–v.
-, privateers commissioned by, 131, 131 i–v, 591 i, ii.
-, instructions for, 131 i, ii, iv, v.
-, bond taken for observance of, 131 iii.
-, prosecution of, 643.
-, petition for, 591 ii, 606; *and see L'aimable Marie*, case of.
-, recall of, 109 i, 131 v, 140.
-, satisfaction demanded by, from Spaniards, 65 i.
-, George, Earl of Orkney, Governor of Virginia, 207, 800 ii (a).
-, dismissal of, urged, 799, 800 ii.
-, instructions of, concerning acts affecting British trade and shipping, 90 i, iii.
-, letter to, 588, 799.
-, John, Councillor, Antigua, 797.
-, document signed by, 411, 412.
-, E., Duchess of, 261.
-, Duke of, claim of, to lands between Nova Scotia and N.E., report upon, 261.
-, reply to, 268.
-, John, Postmaster General, America, 194.
-, Walter, Governor of the Leeward Islands, 573, 761.
-, Acts, remarks on by, required, 487.
-, Address in favour of, 411–413, 438, 439.
-, Address to, 722, 722 i.
-, reply to, 722 i.
-, charges against, 16, 34, 134 vi–ix.
-, enquiry into, 66.
-, reply to, 438, 441, 691.
-, Antigua visited by, 494, 691.
-, Councillor suspended by. *See Morris, Thomas.*
-, vacancies for, notification of, required, 570.
-, grants of land by, 34, 325, 691, 692, 692 ii; *and see charges against.*
-, petition concerning, 260.
-, house-rent for, Antigua, allowed, 64, 73.
-, illness of, 691.

Hamilton, Walter—*cont.*

-, instructions by, 298, 298 iv, 526 v, 736, 736 ii.
-, instructions to, 8 i, 369, 628 i, 802; *and see Plantations, Governors of.*
-, concerning Acts, severity of, 171.
-, concerning Acts affecting trade and shipping, 90 i, 111, 142, 171, 531, 722.
-, concerning Mr. Buor, 644.
-, compliance with, ordered, 408, 570.
-, concerning grants of land in St. Kitts, 329.
-, infringements of, 570 i, 722.
-, protest against, 722 i.
-, new, 64, 257 i.
-, concerning Virgin Islands, 171, 494 i, 526, 582, 582 ii.
-, letter from, 40, 64, 66, 104 i, 134, 157, 214, 298, 358, 430, 431, 441, 442, 494, 494 ii, iii, 526, 557, 557 i, 582, 691, 692, 692 iii, 722, 736, 740, 797.
-, letter to, 40 i, 171, 329, 408, 487, 526 i, iii, iv, 532, 570, 574, 579, 652, 816, 817.
-, Montserrat visited by, 797.
-, Nevis visited by, 40, 298, 797.
-, petition to, from Virgin Islands, 298, 298 v, vii.
-, pirates chased by, 298.
-, commission for pardoning and trial of, 746; *and see Plantations, Governors of.*
-, precautions against capture by, 134, 298.
-, Proclamation by, 692, 692 i, iv, 736.
-, public papers ordered to be transmitted by, 570.
-, queries to, from Board of Trade, 652 i.
-, recall of, rumoured, 411, 412, 438.
-, St. Kitts visited by, 298, 691, 797.
-, services of, 438.
-, visit to Virgin Islands, delayed by fear of pirates, 134.
-, wife of above, 691.
-, William, document signed by, 413.

- Hampstead*, ship, case of, 662.
 Handasyde, Col., late Governor of Jamaica, 175.
 Hanson, Claude, Commander, letter from, 593 I, III.
 Hare, Timothy, plantation of, petition concerning, 30, 30 I.
 Harman, Ephraim, 177 I.
 Harris, D., letter from, 110.
, John, deposition of, 692 VII.
, Richard (Car.), document signed by, 399.
, (Jam.), 421.
 Harrison, —, Rev., 392 II.
, Francis, recommended for Council of New York, 112, 228, 402.
, John, recommended for Council, N.J., 739.
, Nathaniel, Councillor, Va., 209, 588 I.
,, memorandum by, 588 II.
, Thomas, Councillor, Jam., appointed, 144.
,, death of, 749, 774.
,, recommendation of, 53.
 Harrox, William, document signed by, 413.
 Hart, Charles, Secretary, Car. S., Commission and Instructions of, 696.
,, document signed by, 730, 787.
,, letter to, 696.
,, return of lands granted and rent-roll required from, 696.
,, salary of, warrant for, 630–632.
, John, Governor of Maryland, charges against, 288, 289.
,, conference of Governors attended by, 406.
,, letter from, 100, 417 I.
,, Papists and Jacobites encouraged by, 288.
,, patron of, 288.
,, proclamation by, 100, 100 I, 417 II.
,, recall of, demanded, 288, 289.
,, trade, illegal, by, alleged, 289.
Harwich, sloop, 751.
 Harwood, Lucy, petition of, 2 I.
,, referred, 2.
, Richard, duel of, 2 I.
,, son of above, petition for pardon of, 2 I.
,, referred, 2.
 Hastings, Col., murdered by Indians, 423.
 Havana. *See* Cuba.
 Hay, James, Earl of Carlisle, grant of, 534, 628 I.
 Hayman, William, petition of, 65 I.
,, referred, 65.
 Hazelwood, —, Agent of South Sea Co., letter from, 206 I.
 Healis, Edmund, duel of, 2, 2 I.
 Heathcote, Caleb, Councillor, N.Y., 112.
,, Surveyor General, 351 II.
, Sir Gilbert, Agent for Assembly, Jam., 119.
 Hedges, Charles, Secretary and Clerk of the Crown, L.I., commission of, revoked, 805.
,, document signed by, 413.
 Heldon (Helden) John, plantation of, St. Kitts, order concerning, 817.
,, refuses Councillorship, 736.
 Helot, Edmund, plantation of, claim to, 510.
,, widow of. *See* Duport, S.
,, daughter of, 510.
 Hemings, Samuel, recommended for Council, Jam., 53.
 Hemsley, Mary (Ma.), letter from, 288.
,, charges by, against Governor Hart, 288.
 Herbert, Joseph, document signed by, 438, 439.
, Thomas, Nevis, *Act to settle estate of*, 570 I (a).
 Hern, Joseph (Middebourrow), deposition of, 737 III.
 Hewes, —, Capt., 660.
 Hext, Hugh, document signed by, 399.
 Heysham, Robert, document signed by, 286.
,, proposal by, 33.
 Heywood, James, recommended for Council, Jam., 53.
, Peter, Commander in Chief, Jam., appointment of, 109 I, 131 v.
,, Acts passed by, contrary to instructions, 168.
,, arrest of Lord A. Hamilton by, not justified, 169.
,, censure of, proposed, 169.
,, complaint against, 681, 750 I.
,, concerning Naval Storehouse, 280.
,, enquiry concerning, 282.
,, document signed by, 35.
,, enquiries by, into charges against Lord A. Hamilton, irregularity of, 109 I.
,, intention of, alleged, 109 I.
,, grant by, 97 I.

Heywood, Peter—*cont.*

-, Instructions to, disobeyed, 109 I, 168.
-, enquiry concerning, 96.
-, letter from, 10, 141, 215, 271, 357, 426, 427, 447, 549.
-, letter to, 10, 10 I, 357 I.
-, money advanced for subsistence of troops, repaid with interest, 18 I, 64.
-, need of H.M. troops admitted by, 78.
-, Secretary dismissed by, 218 I; *and see* Cockburn, W.
-, Chief Justice, Jam., removal of, 109 I.
-, Councillor, Jam., removed, 144.
-, suspended, 109 I.
- Hill, Charles, document signed by, 399.
-, Edward, proposed for Council, Va., 588.
-, Samuel, plantation of, St. Kitts, proposal to purchase, 48.
-, conditions for settling late French lands suggested by, 48 I.
-, complaint by, of heavy taxation, 48.
-, W., document signed by, 413.
- Hinshaw, John, 351 I.
- Hiscox, Robert, affidavit of, 177 I.
- HISPANIOLA, 551 II.
-, competition of, feared, 534.
-, French Governor of, Bahamas claimed by, 737.
-, letter to, 737.
-, French settlement on, 298.
-, pirates at, 298 III, 797 II, VI.
-, trade with, prohibition of, recommended, 534.
-, Jamaica, 181, 750 I.
-, Act to prevent fraudulent, 750 III.
-, report upon, 189.
- Hobhouse, Benjamin, Capt., 298 II.
- Hoddy, Hugh, Councillor, N.J. *See* Huddy.
- Hodges, Christopher, document signed by, 298 v.
-, Joseph, recommended for Council, Jam., 53.
- Holden, John, plantation of, petition concerning, 30, 30 I.
- Holderness, Earl of. *See* Darcy, Robert.
- HOLLAND AND THE DUTCH; *and see* St. Eustatia; Dutch West India Co.
-, plantations of, 103 I.

Holland and the Dutch, plantations of—*cont.*

-, in N.Y., 177 I.
-, sugar, 103 I. *And see* Barbados, Act *laying duty on foreign sugar*.
-, settlers in St. Eustatia, 298.
-, St. Martin, 298.
-, Sabeott I., 298.
-, ship taken by pirates, 797 I.
-, trade with L.I., 797.
-, in negroes, question concerning, 692.
-, N.E., 620 I.
-, prohibition of, recommended, 534; *and see* Dutch West India Co.
- Holland, Richard, Capt., statement by, 737 VII.
- Hollander, A., petition of, 702, 725, 725 I, II.
- Holleran, Cornelius, petition of, 309.
- Holmes, Edward, Councillor, Bahamas, 737.
-, Lt. Governor of Eleutheria, 737.
- Holten, J. von, letter from, 593 II (b).
- Hoof, Peter Cornelius, pirate, trial of, 575, 575 I.
- Hooper, George, Councillor, Bahamas, 737.
-, commendation of, 737.
- Hopkins, Capt., 554, 601, 602.
- Hore, Timothy, grant of, continued, 574.
- Hornigold, pirate, letter from, 357 I.
-, reformed, 737, 807.
-, surrender of, 357, 357 I.
-, pirates captured by, 807.
- Horseford, Isaac, document signed by, 411, 412.
- Hoskins, John, document signed by, 413.
- Howard, —, pirate, seizure of, 800.
-, action brought by, 800.
-, pardoned, 800.
-, trial of, 800.
-, Henry, Earl of Suffolk and Bindon, President of the Board of Trade, 233, 339.
- Howell, Abraham, former Lt. Governor of Anguilla, migration to Crab Island headed by, 40, 40 I.
-, instructions to stop, 40 I.
-, protest against by Danes, 593 I–IV.
-, seized by Spaniards, 442, 797.
-, petition of, to settle on Sta. Cruz, 40.
-, Edmund, document signed by, 603 I.

Howell—*cont.*

-, Nathaniel, document signed by, 603 i.
-, Theodore, document signed by, 603 i.
-, Zebulun, document by, 603 i.
- Hoy, J. (?), letter from, 449.
- Hudd (Hude), Adam, recommended for Council, N.J., 194, 739.
- Huddy, Hugh, Councillor, N.J., death of, 12, 112, 346.
-, Charles, document signed by, 445 i.
-, residence of, 445 ii.
- Hudson, Capt., 660.
- Hudson Bay Co., claims of, to be settled by Commissaries under the Treaty of Utrecht, 230.
-, Governor of. *See* Kelsey, H.
- Hudson, R., 177 ii; *and see* New York.
- Hulstun, John (Nevis), proposals by, for purchase of plantations in St. Kitts, 36.
- Hugg, John, Councillor, N.J., appointment of, 520, 629.
-, recommendation of, 597.
- Hume, Francis, Capt., R.N., letter from, 526, 526 i, ii.
-, mission of, to St. Thomas, 494, 494 i, ii.
-, instructions for, 526 v.
-, not permitted to land, St. Juan de Puerto Rico, 526, 526 i.
-, pirate ship destroyed by, 298.
-, captured by, 742.
- Hunter, John, Capt., privateer, commission of, 760.
-, Robert, Brigadier, Governor of New York and New Jersey, 284; *and see* New York; New Jersey; Indians, Five Nations; German Protestant Refugees.
-, accused of Jacobitism, 603 iii.
-, reply to, 603 iii.
-, Address to, 126, 317, 317 xi, 516, 516 i, 520 iii, 603 i, 650, 718 i, 738 iv-vi.
-, in favour of, 126, 317 xi, 373, 376, 501, 501 i, 520 iii, 603 iii.
-, administration of, success claimed for, 650.
-, acknowledgments of, to Board of Trade, 223.
-, to Mr. Popple, 112, 223, 236, 602, 718.
-, Agent of. *See* Bampfleid, George.
-, aid solicited for Bahamas, 737.

Hunter, Robert—*cont.*

-, assassination of, hinted at, 373, 373 iv.
-, charges against, by Cox and party, N.J., 373, 373 iii, iv, 375, 376.
-, reply to, accepted, 344.
-, by Mr. Lodwick, reply to, accepted, 402.
-, by Samuel Mulford, 14, 344.
-, remitted for reply, 94.
-, reply to, 317, 317 i-xi, 373, 376, 453, 553, 554, 603 iii.
-, reply to, by Council and Assembly, 112, 112 i, 126, 317 xi, 603 iii, 724 ii, iii.
-, referred, 501, 501 i.
-, by Col. Schuyler, 578 i.
-, report upon, 317, 317 xi, xiv.
-, claim of, for subsistence of Palatines, submitted to Parliament, 112, 236, 402.
-, account of, 235.
-, commended, 22, 69, 317, 603 iii.
-, Commission of, 402, 600.
-, for pardoning pirates, 738.
-, for trying pirates, 402, 670; *and see* Plantations, Governors of.
-, Vice-Admiralty, 479.
-, Conference with Five Nations, 59, 675.
-, dismissal of (N.J.), assurance of, 373 iii, iv.
-, document signed by, 738 i.
-, frontiers, extension of, advocated by, 600.
-, grants of lands by, account of, 653 i.
-, instructions of, 663.
-, concerning acts affecting British trade and shipping, 90 i, iii, 142, 402, 676.
-, relating to Acts of Trade, explanation of, 633, 739.
-, for building fort *etc.*, 600, 600 i.
-, concerning leave of Councillors, 633, 634.
-, intrigues against, 195, 223.
-, letter commending, 69.

Hunter, Robert—*cont.*

-, letter from, 12, 112, 194, 195, 223, 228, 236, 317, 518–520, 553, 554, 600–603, 613, 618, 650, 653, 663, 675, 718, 723, 724 I, 738, 739, 764.
 -, letter to, 69, 94, 344, 402, 454, 500, 529, 554, 578 I, 633, 634, 650, 676, 708.
 -, from Board of Trade, desired by, 112.
 -, message from, to Assembly, N.J., 520 I.
 -, Speech by, to Assembly, N.J., 520 II.
 -, opposition to, 675.
 -, at Court, alleged, 373 IV.
 -, order by, 603.
 -, return to England, 194.
 -, effects of, feared, 194.
 -, intended, 602, 675.
 -, leave for, 12.
 -, reason for, 724 I.
 -, supporters of, 373 III.
 -, visited by Lt. Gov. Spotswood, 406.
 -, whale fishery, rights of, enquiry concerning, 402; *and see* Mulford, S.
- Hutchinson, Edward, claim to lands between Nova Scotia and Maine, report upon, 261.
-, reply to, 268.
 -, John, proposal to purchase plantation in St. Kitts, 62.
 -, Tobias, case of, 626 I.
- Hyde, Edward, Viscount Cornbury, late Governor of New York and New Jersey, 650, 650 III.
-, warrant by, 317 IX.
 -, licences for whale-fishing by, 317 I–VII.

I

- Iberville, M. d', French Envoy, memorial by, 102 I, II.
-, referred, 102.
 -, report upon, 230.
 -, reference of, to Commissioners, proposed, 230.
 -, French Commander, raid on Nevis by, fulfilment of capitulation demanded for, 102, 102 I, II.

- Indians, Cannistogo or Mingo, conference with, 101 I.
-, Carolina. *See* Car., Indians, war with.
 -, Cherokee. *See* Virginia Indians, and Carolina.
 -, Creek. *See* Va., Indians, and Carolina.
 -, Cuttaba, sterility of, 800; *and see* Virginia, Indians, and Carolina.
 -, Delaware, conference with, 101 I.
 -, Eastern, conference with, 193.
 -, intrigues of Jesuits with, 700.
 -, outbreak of, feared, 700.
 -, treaty with N.E., 193.
 -, war with, cost of, 193.
 -, Five (Six), Nations, attack upon, proposed by Mulford, 112 I, 126.
 -, reply to, by Assembly, N.Y., 112 I, 126.
 -, conference at Albany, 59, 675.
 -, of Governors at Philadelphia concerning, 59, 406.
 -, proposed, 568 II.
 -, contented, 578 I.
 -, fort and chapel built in Mohawks' country, 600.
 -, instruction for, 600 I.
 -, fort in Onondage country proposed, 600.
 -, forts to be built amongst, by French, 238, 256.
 -, importance of, 112 I, 126, 317 XI, 578 I.
 -, incursions by, measures to prevent, proposed, 406.
 -, intervention of, proposed, 578 I.
 -, presents for, necessary, 578 I.
 -, proposal to renew covenants with Virginia, 59, 406, 657.
 -, refuse to negotiate except at Albany, 59.
 -, Senecas, attack Cuttabas, 59, 59 IV (a); *and see* Virginia, Indians.
 -, prisoners released by, 59.
 -, services of, acknowledged by Assembly, N.Y., 112 I, 126.
 -, Lt. Gov. Spotswood's journey to meet, 406, 568 II.
 -, treaty with Virginia, renewal of, rejected by Council, 657, 699.
 -, French and, 600, 660, 700.
 -, forts to be built amongst by, 238, 256.

Indians—*cont.*

-, French, danger from, 657.
-, Gunawois, conference with, 101 I.
-, Iroquois. *See* Five Nations.
-, lands of, purchases from, discredited, 268.
-, murder by, 149 I.
-, Northern, attack by, on N. Carolina begun by, 699.
-, Nova Scotia. *See* Nova Scotia, Indians.
-, Pennsylvania, 450.
-,, trade with, Act regulating, 781.
-,, effect of honest, 781; *and see* Five Nations, conference.
-, Saponie, attack by Northern Indians threatened, 699.
-,, protected by Spotswood, 699.
-, Shawanois, conference with, 101 I.
-, Southern, Spaniards entertain, 423.
-,, war with. *See* Carolina, S.
-, Tuscarora. *See under* Virginia.
-, Westward, communications with, 657.
-, Yamassees. *See* Carolina, S.
- Ingoldesby, Col., late Lt. Governor of New Jersey, Acts passed by, question of validity, 344, 600.
-,, grants of land by, 650.
-,, licences for whale fishing by, 317 I-VII.
- Irish, William, proposed for Council, Montserrat, 797.
- Iron, mines in Virginia, discovery of, Lt. Governor Spotswood, 800.
-, Pa., 101.
-, from the Plantations, premium on, proposed, 450, 815, 819.
-,, quality of, 819.
-, Swedish monopoly of, feared, 819.
- Irvine, Robert, Surveyor, commission of, 240.
- Italy, trade with Newfoundland, 626 I, 751, 758 I, 798.
- Izard, Ra., document signed by, 399.
-, Wa., document signed by, 399.
- Jacobs, Robert, deposition of, 358 I.
- JAMAICA, 442, 797, 797 II.
-, Act appointing agents, introduced, 682.
-,, instruction concerning, 144 I.
-, Act, for ascertaining ports of entry, 750 III.
-,, referred, 555.
-,, concerning Courts, 144.
-,, declaring what persons shall be qualified to sit in Assembly, repealed, 364.
-,, repeal proposed, 168.
-,, to disenable Councillors or Assemblymen from acting as Commissioners etc., repealed, 364.
-,, repeal proposed, 168.
-,, for the more effectual discovery of persons disaffected etc., confirmation of, proposed, 168.
-,,, decision postponed, 364, 488.
-,, enquiry concerning, ordered, 415.
-,,, objection to, 390, 421, 681.
-,,, referred, 96.
-,,, repeal of, proposed, 748.
-,,, report upon, 108.
-,,, required, 488.
-,, to encourage the bringing over of white people etc., objections to, 168.
-,,, referred, 96.
-,,, report upon, 108, 168.
-,,, repeal of, 364.
-,,,, proposed, 364.
-,,,, resentment at, 421.
-,, for encouraging the importation of white people (1703), confirmed, 168.
-,, to encourage white men to settle (1712), decision upon, postponed, 364.
-,,, objection to, 168, 488.
-,,, new act proposed, 488, 681.
-,, concerning inhumanity to slaves, 144.
-,, concerning Jews, 622.
-,, for the more easy serving of constables, confirmation of 363, 488.
-,,, proposed, 168.

J

- Jacob, —, Capt., R.N., 271.
-,, complaint against, 566.

Jamaica, Act, *for the more easy serving of constables*—*cont.*
 , referred, 96.
 , report upon, 108, 168.
 , *granting further relief in proving wills etc.*, referred, 96.
 , repeal of, 364, 488.
 , proposed, 168.
 , report upon, 108.
 , *imposing duties on several commodities etc.* (negroes exported), (1716), defence of, 196, 356.
 , instruction prohibiting, 272, 302, 313.
 , objection to, 178 I, II, 196, 206, 206 I, 356.
 , petition against, by South Sea Co., 178 I, II.
 , enquiry concerning, 182.
 , referred, 178.
 , repealed, 302.
 , report upon, 272.
 , Act renewing (1717), 206 I, 270 I, II, 272, 296.
 , repealed, 301.
 , *laying an additional duty*, 89, 356.
 , *for maintaining of Ministers*, 144, 159.
 , *for the more effectual punishment of crimes committed by slaves*, referred, 300.
 , report upon, 437.
 , *to oblige inhabitants to provide themselves with a sufficient number of white servants, etc.*, 78.
 , referred, 96.
 , report upon, 108.
 , repeal of, 364, 488.
 , proposed, 168.
 , *for payment to Governor Heywood*, 64.
 , giving preference to Jamaica trade and shipping, 272.
 , *for preserving public records*, 168.
 , confirmed, 363, 488.
 , *to prevent any one man holding two offices* (1716), repeal of, 364, 488.
 , proposed, 168.
 , *to prevent all fraudulent trade to Hispaniola*, 750 IV.
 , report upon, 108, 189.
 , new, proposed, 189.

Jamaica, Act,—*cont.*
 , *to prevent hawking etc.*, repeal of, 364, 488.
 , proposed, 168.
 , *regulating fowling and fishing*, confirmation of, 363, 488.
 , proposed, 168.
 , *for relief of widows and orphans in relation to deficiencies*, referred, 300.
 , report upon, 437.
 , *to remedy excessive grants of land*, proposed, 144 I.
 , *for repairing wall of Port Royal*, enquiry concerning, 303.
 , *to secure freedom of elections etc.*, amendments to, rejected by Assembly, 168.
 , referred, 96.
 , repeal of, 364, 488.
 , proposed, 168.
 , report upon, 108.
 , *for better securing estates of orphans and creditors*, confirmation of, 363, 488.
 , proposed, 168.
 , repealing above act, referred, 96.
 , repeal of, 364, 488.
 , proposed, 168.
 , *for settling a revenue*, 750 V.
 , expiration of, 356.
 , *taxing real estates* proposed, 681.
 , *for workhouses*, 144.
 , Acts, 141.
 , affecting the prerogative of the Crown, instructions concerning, 313.
 , affecting trade and shipping of Great Britain, not to be passed without suspensory clause, 142, 144, 313.
 , confirmed, 363, 364, 421, 488.
 , decisions upon, requested, 181, 189.
 , fees for, at Council Office, 421, 488.
 , payment of, question concerning, 421.
 , *laying duties on liquors*, instruction concerning, 144 I.
 , money, instruction concerning, 313.
 , objections to, 681.
 , amendment of, proposed, 681.

Jamaica, Acts—*cont.*

-,, perpetual, instructions concerning, 488.
-,, re-enactment of, instruction concerning, 144 i.
-,, repealed, 364, 421, 488.
-,, repealing acts confirmed, not to be passed without leave or suspensory clause, 144.
-,, revenue, instruction concerning, 144 i.
-,, temporary, instruction concerning, 144 i, 681.
-,, unconfirmed, remarks upon, 311 i.
-,, of Trade and Navigation, instructions concerning, 144 ii, 291.
-, Agent, need for, 488.
-,, Act appointing, introduced, 682.
-,,, instruction concerning, 144 i.
-,, aid for Bahamas solicited, 737.
-,, appeals from, 232, 320 i; *and see* Cockburn, W.
-,,, instruction concerning, 144.
-, Asiento, The, advantages of, 196, 206.
-,, objection to, 356.
-,, prices of negroes raised by, 196; *and see* South Sea Co.
-, Assembly, 713; *and see* Act to secure freedom of elections; and to disenable members etc.
-,, Act, encouraging white settlers, new, proposed to, 681.
-,,,, proceedings on, 168.
-,,, to remedy excessive grants of lands, recommended to, 144, 144 i.
-,, address by, 681, 681 iii, iv.
-,, adjournment of, reason for, 681.
-,, bill for appointing Agents, 682.
-,, claim to adjourn selves, instruction concerning, 144 i.
-,, Commissioners nominated by, to receive public money, 89.
-,,, instruction concerning, 144 i.
-,, debt due to Lord A. Hamilton, recommendation of, 64, 144 i.
-,,,, ignored, 64.
-,, debts, public, payment of, recommended to, 144 i.

Jamaica, Assembly—*cont.*

-,, elections, Act regulating, 168.
-,,,, amendments by Council rejected, 168.
-,,, creation of sham freeholders for, 168.
-,, Governor's speech to, resolutions on, 681, 681 ii.
-,, infringement of prerogative by, 89.
-,, Journal of, 10, 141.
-,, meeting of, 10, 566.
-,, members of, owners of privateers, 131 iii-v.
-,, members, qualification, Act declaring, objection to, 168.
-,, money bills, instruction concerning, 144 i.
-,, new, Councillors' reasons for not calling, 181 i.
-,, object to limitation of right of taxation, 356.
-,, opposition in, to Lord A. Hamilton, 109 i.
-,, privilege of, instruction concerning, 144 i.
-,, prorogued, 141.
-,, Receiver appointed by, 89.
-,, refusal of, to read letter from the Council of Trade, 168.
-,, reimbursement of Receiver General etc., recommended to, 89, 367.
-,, H.M. regiment, subsistence for, recommended to, 144 i.
-,,, provision for, not intended, 78.
-,, revenue, settlement of, recommended to, 144 i.
-,, sit by virtue of Governor's Commission, 144 i, 168.
-,, Speaker of. *See* Beckford, Peter; Nedham, William.
-,, subscription promoted by, for soliciting affairs of island, copy of, 119.
-,,,, purpose of, 109 i.
-,, taxation of negroes. *See* Act imposing duties.
-,,, real estates recommended to, 681.
-, Attorney General of. *See* Broderick, William.
-, Axtell, Daniel, prosecution of, petition for, 591 ii.
-,,,, order for, proposed, 606.
-,,,, ordered, 643.

Jamaica—*cont.*

-, Bendish, —, prosecution of, petition for, 591 II.
-,,, order for, proposed, 606.
-,,, ordered, 643.
-, bills, protested, claim concerning, 679.
-, Buor, —, dismissal of, 644.
-,,, protection of, order for, 644.
-, Carlisle Bay, 131 IV.
-, Chief Justice of. *See* Bernard, Thomas; Nedham, W.
-, coins and currency in, 181.
-, Commissary, return ordered from, 566.
-,, powers of, 159.
-, condition of, quiet, 141.
-, congratulations to King on failure of invasion scheme, 35.
-, convicts sent to, unsatisfactory, 681.
-,, turn pirates, 681.
-, convoy for merchant ships, 10, 78, 141, 271.
-,, need of, 54.
-, Cook, Major, plantation of, raided by Spaniards, 65 III.
-, Council, 566, 681.
-,, amendments by, rejected by Assembly, 168.
-,, instruction concerning, 144 I.
-,, arrest of Lord A. Hamilton by, not justified, 169.
-,, Clerk of. *See* Daniel, Ja.
-,, Minutes of, 131 V, 141, 169, 225, 252 I, 549, 606, 681.
-,, money advanced by, for subsistence of forces, payment of, recommended, 681.
-,,, refused by Assembly, 681.
-,, need of H.M. troops admitted by, 78.
-,, order by, 591 II, 606.
-,, reasons for not calling an Assembly, 181, 181 I.
-,, share in appointment of Agent, instruction concerning, 144 I.
-, Council and Assembly, Address by, 681, 681 III.
-,, Committee of, report by, 303.
-, Councillors, 749, 756, 765, 766, 768, 774; *and see* Act to disenable etc.; and Lord A. Hamilton.
-,, appointed, 144.
-,, character of, 109 I.
-,, complaint against, 109 I.

Jamaica, Councillors—*cont.*

-,, dismissed, 144.
-,,, re-appointment of, proposed, 140.
-,, persons proposed for, 53, 116, 140.
-,,, character of, 110.
-,, privilege of, instruction concerning, 144 I.
-,, suspension of, 109 I.
-,,, instruction concerning, 144.
-, Court of Admiralty, 750 I; *and see* *Nuestra Senora de Belem*.
-,, Judge of. *See* Warner, John.
-,, ship condemned in, 118, 131 V.
-,, Chancery, appeal from, case concerning, 320 I.
-,, Exchequer, 144.
-,, Supreme, 681.
-,, Judges of, 322.
-,,, oaths administered to, 322, 324.
-, Courts, Act concerning, 144.
-, Customs, Collector. *See* Dawes, George.
-,, Controller of. *See* Beckford.
-, *Dauphin*, sloop, case of, 591, 591 I, II.
-,,, report upon, 606.
-,,, order upon, 643.
-, debts, public, payment of, instruction concerning, 144 I.
-,,, request for, 78.
-, Dissenters in, 391, 681; *and see* Act for discovery of disaffected persons, 681.
-, escheats in. *See* Kupius, A.
-, exports of, value of, 356.
-, fortifications of, repair of, needed, 303, 681.
-,,, Act concerning, 303.
-,,, report upon, 303.
-,,, required, 303.
-,, Engineer for surveying, awaited, 566.
-, French, vessels seized by, 54.
-, goods seized, Crown's share of, method of securing, alteration in, enquiry concerning, 795.
-, Governor of. *See* Lawes, Sir Nicholas; Hamilton, Lord A.; Heywood, Peter; Pitt, Thomas.
-,, Act imposing penalties on, 168.
-,, control of H.M. ships proposed for, 54, 144, 566.

Jamaica, Governor of—*cont.*

-, Instructions of, copy of, for Governor of Bahama Islands, 220 II.
-, concerning duties on negroes, 302; *and see* Plantations, Governors of.
-, Governor and Council, charges by, against Lord A. Hamilton, 225.
-, letter from, 681 IX.
-, Governor, Council and Assembly of, Address by, 35.
-, guardships for, 35.
-, control by Governor proposed, 54, 144, 566.
-, increase of, request for, 54, 65 II, 681 III.
-, manning of, by soldiers requested, 78.
-, refused, 78.
-, pirates not checked by, 566.
-, imports from Hispaniola, 181.
-, indigo, 750 I.
-, imports of, 181.
-, tax on imported, 750 III.
-, inhabitants of, births, christenings and burials, return of, directed, 566.
-, numbers of, return of, ordered, 566.
-, decrease of, 181; *and see* Acts to encourage etc.
-, Jews, Act *encouraging to settle*, 622.
-, encouragement of, instruction for, 622.
-, naturalisation of, 622.
-, Kingston, 10, 681 IV.
-, Naval Storehouse at, contract concerning, 280, 280 II.
-, enquiry concerning, 282.
-, taxation of, preferential, 272.
-, *Kingston (Kensington)* sloop, case of, 117, 118.
-, commission for re-trial of, 323; *and see* *Nuestra Senora de Belem*.
-, *L'aimable Marie*, case of, 591, 591 I, II.
-, representation on, 606.
-, order upon, 643.
-, lands in, grants of, 97, 97 I, 98, 362; *and see* Kupius.
-, grants excessive, evil of, 144, 144 I.
-, instruction concerning, 144, 144 I.

Jamaica—*cont.*

-, Lt. Governor, dormant commission for, 180.
-, proposed, 53.
-, petition for, 163 I.
-, referred, 163.
-, report upon, 175.
-, memorandum of former, 163 II.
-, logwood cutting, 104 I.
-, reasons for encouraging (1671), 104 I.
-, map and survey of, proposed, 144.
-, merchants and planters, petition of, 65 I, II.
-, referred, 65.
-, Militia, effect upon, of Act *for discovery of disaffected persons*, 391.
-, musters of, 566.
-, officers, "reformed," resignation of, 421, 681.
-, Ministers, Act concerning, 144.
-, lack of, 566.
-, *Nassau*, seizure of, case of, 750, 750 I-V.
-, Naval Officer. *See* Betts, Thomas; Norris, William.
-, Naval Officer's accounts of clearances etc., required, 566.
-, Naval Squadron at, 10, 271.
-, complaint concerning, 566, 681 III.
-, orders upon, 688.
-, Governor ignored by, 566.
-, pirates not checked by, 566.
-, storehouse of, contract concerning, 280, 280 II, 303, 304.
-, complaint and enquiry concerning, 280, 282.
-, repair of, instructions concerning, 303, 304.
-, trading by, complaint concerning, 566.
-, negroes, carried off by Spaniards, 65 III.
-, duty on re-exported. *See* Act *imposing duty on*.
-, on those not re-exported, permitted, 313.
-, exported to Spanish West Indies, account of, 206 II.
-, imports of, account of, required, 566.
-, need of, 196.
-, price of, 196.
-, raised by Asiento trade, 196.

Jamaica, negroes—*cont.*

-,, punishment of, Act concerning, 300, 437.
-,, sold to, from St. Kitts, 510.
-,, amount of sugar produced by, 196.
-, *Nuestra Señora de Bethlehem*, case of, 4, 4 I, II; *and see Nuestra Señora*.
-, Parish registers, imperfect, 566.
-, Patent offices in, 89, 272.
-, Patent officers, suspension of, instruction concerning, 144.
-, piracies committed against Spaniards, complaint of, 131 iv.
-,,, reply to, 131 v.
-, pirates, 141, 298 II, III, 681; *and see L'aimable Marie*, case of; *Kingston*, case of.
-,, convoys required, 78.
-,, depredations of, 54, 271, 522, 566.
-,,, protection from, request for, 35, 54, 78.
-,,, unchecked by Naval Squadron, 566.
-,,, increase of, 10, 271, 426, 427, 681 III.
-,,, due to unemployment, 566.
-,, instructions concerning, 421.
-,, measures for suppressing, 64, 131 I-IV.
-,,, pardon of, Commission for granting, 638-642.
-,,, Proclamation extending date of, 640, 642, 713.
-,, privateers commissioned to suppress, 131 I-IV.
-,, raid by, 271.
-,, ships captured by, 271, 551 II, 797 II.
-,, shortage of provisions caused by, 10.
-,, surrender of, 357, 357 I, 447.
-,, trial of, Commissions for, 403, 483, 713; *and see Plantations, Governors of*.
-, Port Royal, 10, 118, 131 IV, V.
-,, fortification of, repair of, needed, 681.
-,,, Act concerning, 303.
-,, trade of, decayed, 566.
-, Post Office, proposal for, 116.
-, prerogative of the Crown, infringements of, 108, 144, 168, 272.
-,, instruction concerning acts affecting, 272, 313.

Jamaica—*cont.*

-, printing press in, 681 IV.
-,, licensed, proposal for, 116.
-, privateers, commissions and instructions for, by Lord A. Hamilton, 131, 131 I-V, 591 II.
-,, bond for, 131 III.
-,, piratical seizures by, 131 IV, V, 591 I, II.
-,, prosecution of, petition for, 591 II.
-,,, order for, 643.
-,,, proposed, 606.
-,, prosecution of sureties ordered, 643.
-,, list of, supplied by Dr. Page, 131 IV.
-,,, comments on, 131, 131 V.
-, produce, potential, of, 196.
-, Receiver appointed by Assembly, 89.
-, Receiver General, 168, 272; *and see Knight, James*.
-,, Commission of, 403.
-,, instructions concerning, 144 I.
-, Records. *See Act for preserving*.
-, "Reformado" Officers, 391, 421, 681.
-, H.M. Independent Companies at, Governor's Commission as Capt., 38.
-,, instructions concerning, 144 I.
-,, need for, admitted, 78.
-,, subsistence for, decision requested, 78.
-,,, promised, 35.
-,,, provision for, 78, 168.
-,,, not to be continued, 78.
-,,, to be recommended to Assembly, 144 I, 356.
-,, payment of money advanced for, by Lord A. Hamilton, ordered, 64.
-,,, refused by Assembly, 681.
-,,, paid with interest to Governor Heywood, 64.
-,, Surgeon of, 240.
-,, withdrawal of, promised, 144 I.
-, Revenue, accounts of, 566, 566 I, II.
-,, amount of, 356; *and see Act settling*; *and Act laying additional duty*.
-,, debts ordered to be paid from, 64

- Jamaica, Revenue—*cont.*
 , , decision concerning,
 requested, 78.
 , , instruction concerning,
 144 i.
 , , measures for providing,
 urged, 181.
 , , settlement of, recom-
 mended, 144 i.
 , , promised, 35.
 , Roman Catholics in, 681 ;
 and see Act for discovery of
 disaffected persons.
 , St. Jago de la Vega, taxation
 of, preferential, 272.
 , seal, new, for, 127, 135.
 , , receipt for, 151.
 , , warrant for using,
 127, 135, 142.
 , , old, broken and returned,
 682.
 , Secretary of. *See* Congreve,
 William.
 , , Commission of, 403.
 , , Deputy. *See* Page, S. ;
 Wagstaffe A. ; Cockburn,
 William.
 , shipping, 196.
 , , freights, 196.
 , ships captured by pirates,
 551 ii.
 , ships seized by Spaniards,
 54, 131 iv, v.
 , , complaint concerning,
 65 i, ii, 350.
 , , referred, 65.
 , , list of, 65 iii.
 , , reparation for, de-
 manded, 681, 681 ix.
 , Spaniards, raids by, 65 i, iii ;
 and see ships seized by.
 , Spanish wrecks off Florida,
 fishing on, ship seized for, 737
 iv, v.
 , Stores of war, account of,
 681, 681 vii, viii.
 , , request for, 681, 681 vi.
 , sugar, imported from His-
 paniola, 181.
 , , price and charges on, 196.
 , Surveyor General of Customs,
 403.
 , trade fleet, convoy for, 10,
 54, 78, 141, 271.
 , , sailing, of, 566.
 , trade and shipping, Act giving
 preference to Jamaican, 272.
 , trade with, N. America, 196.
 , , Spanish coast, 681 iii.
 , , decay of, 566.
 , , by naval officers,
 complaint concerning, 566, 681
 iii.
 , , , orders pro-
 hibiting, 688.
- Jamaica, trade with—*cont.*
 , , illegal, seizure for. *See*
 Nassau, case of.
 , , seizures for,
 accounts of, 681, 681 v.
 , , , paid to
 Collector, 681.
 , , , grant of
 H.M. share for support of
 Government proposed, 681.
 , , , with Hispaniola,
 181, 750 i ; *and see Act to*
 prevent etc.
 , trade of, value of, 356.
 , Valle, Don Juan del, com-
 plaint by, 131 iv.
 , , , reply to,
 131 v ; *and see* Jam., privateers.
 , Warner, John, prosecution of,
 petition for, 591 ii.
 , , , order for,
 proposed, 606.
 , , , ordered, 643.
 , Workhouses, 144.
 Jamaica Coffee House, 110.
 James I, grant by, (Mass.), 744.
 , , (Newfd.), 798.
 II, grant by, 177 i.
 James, Edward, petition of, 65 i.
 , , referred, 65.
 Jamison, David, Attorney General,
 N.Y., writ issued by, 49 i.
 , , proceedings by, 49.
 , , Chief Justice, N.J.,
 373 iv.
 Jay, Augustus, document signed by,
 516 i.
 Jefferson, Robert, examination of,
 359 xi.
 Jekyll, John, document signed by,
 700 vii.
 Jemmot, Francis. *See* Barbados, Act
 for docking an entail.
 Jenkins, Sir Lionel, 104 i.
 Jennings, E., Col., Councillor, Va.,
 800.
 , Henry, pirate, French ship
 seized by, 591 ii.
 , , , prosecution of,
 petition for, 591 ii.
 , , , order for,
 643.
 , , , , pro-
 posed, 606.
 , , , surrender of, 345.
 , Sir John, a Lord Commissioner
 of the Admiralty, document
 signed by, 619.
 Jenny, Robert, Rev., Chaplain of
 Forces, N.Y., Commission of,
 84.
 Jesuits, intrigues of, with Indians, 700.
 Jews. *See* Jamaica.
 John and Thomas, ship captured by
 pirates, 797 i.

Johnson, John, grant of, continued, 574.
, Sir Nathaniel, former Governor of the Leeward Islands, 298.
,, instructions to, 8 i.
,, letter from, 8 i.
, Robert, Governor of S. Carolina, document signed by, 730, 787.
,, expedition against pirates led by, 787.
,, instructions to, 687.
,, letter from, 504 i, 556.
,, referred, 677, 678.
,, letter to, 687, 814.
, (Johnston), Sir Thomas, proposal by, to purchase the French part of St. Kitts, 24, 156.
 Johnston, John, Councillor, N.Y., document signed by, 738 i.
,, Mayor of New York, certificate by, 373 i.
,, jr., Councillor, N.J., appointed, 520.
,,, proposed for, 601, 739.
 Jones, Capt., R.N., report by, 798.
, Joshua, document signed by, 411, 412.
, Thomas & Co. *See* Virginia, Indian Trading Company.
 Jory, Jos., Col., Agent for Leeward Islands, document signed by, 200.
,, Agent for Nevis, petition of, 481, 487.
 Joy, Richard, captured by pirates, 298, 298 i.
,, deposition of, 298 i.
 Joyce, Henry, document signed by, 373 iv, v.
,, letter from, authenticity of, 344.

K

Kay, Nathaniel, Collector, R.I., accounts sent by, 575, 664.
,, letter from, 759.
 Keeble, Walter, 10 vii.
 Keefe, Timothy, deposition of, 359 iii.
 Keen, William, Nfd., recommended for Commission of the Peace, 751.
 Keith, W., Lt. Governor of Pennsylvania, Conference with Indians, 101 i.
,, instructions by, 227 i.

Keith, W.—*cont.*
,, instructions required by, 552.
,, letter from, 101, 227, 552, 727, 732.
,, letter to, 450, 804.
,, present to, 197.
,, proposals by, approved, 450.
,, resumption of Pennsylvania to Crown and union with West Jersey proposed by, 101.
,, speech of, to Assembly, 101 ii.
,, reply to, 101 ii.
,, Surveyor General of Customs in America, 227.
 Kelsall, H., Assistant Secretary to the Treasury, letter from, 23.
 Kelsey, Henry, Capt., Governor and Commander in Chief of Hudson's Bay, Commission of, 793.
 Kennebec, R., 177 i, 193; *and see* Nova Scotia.
 Kensington (*Kingston*) sloop, case of, 117, 118, 131 iv, v., 323, 681 ix; *and see* Nuestra Señora de Belem.
 Kentish, —, pirate, 298 ii.
 Ker, James, 807.
, John, Duke of Roxburghe, document signed by, 671.
 Keys. *See* Kay, N.
 Kidd, Capt., goods landed at Crab I. by, 624 i.
 King, Capt., 358, 737.
, John (Antigua), 368 i.
,, document signed by, 411, 412.
 Kingston, ship. *See* Kensington.
 Kirk, Sir David, grant of, 798.
 Knight, —, merchant, Jam., 131 v.
, James, Receiver General, Jamaica, document signed by, 566 ii.
,, re-imbursement of, recommended to Assembly, 89, 367.
, John, Secretary and Clerk of the Crown, L.I., commission of, 805.
, Thomas, deposition of, 298 ii.
 Kocherthal, Joseph, document signed by, 650 i.
 Kupius, Anna Williamina, escheated estate of, grant of, 97 i, 98, 123, 124, 362.
,, restitution of, to first grantees, petition for, 97 i.
,,,, referred, 97.
,,,, report upon, 152.

L

- Laguna de Terminos, logwood cutters at, 104 i.
, seized by Spaniards, 104 i.
, protest against, by Spain, reply to, 104 i.
- La Hontan, travels of, 238.
- L'aimable Marie*, case of, 591, 591 i, ii.
,, representation on, 606, 643.
,, order upon, 643.
- Lake, Sir Bibye, claim of, report upon, 261.
- Lake Erie, 657.
- Lakes, The Great, settlements and ports on, proposed by Lt. Governor Spotswood, 657.
- Lambert, John, certificate by, 43 ii.
, Sir John, 318.
, Michael, plantation of, St. Kitts, 260.
,,, order concerning, 817.
,,, petition concerning, 30, 30 i.
- Lane, Henry, document signed by, 516 i.
- Langelier, John, document signed by, 413.
- Langford, Jonas, document signed by, 413.
- Langley, —, case of, 626 i.
- Langton, Dominic, Rev., case of, 88.
,,, report upon, 159.
- La Ronde Denys, mission of, to Nova Scotia, 565.
, agreement made with, by French, 565, 565 iv.
- La Salle, travels of, 238.
- Lascelles, Henry, Collector, Barbados, 742 xv.
- Latonde (Lassonde, Lo Sone) 351 i, 565 iv, 635 i.
- Laurent, Jean, Governor of St. Thomas, letter from, 593 i, ii (b), iv (b).
,, letter to, 593 iv (a); and see Virgin Islands, St. Thomas.
- Lavington, William, document signed by, 411, 412.
- Lavicountt, John, deposition of, 729 (a) (b).
- Lawes, Sir Nicholas, Governor of Jamaica.
,, account of debts due to Lord A. Hamilton required from, 64.
- Lawes, Sir Nicholas—*cont.*
,, address, welcoming, by Assembly, 681, 681 iii, iv.
,,, reply to, 681 iv.
,, aid for Bahamas solicited, 737.
,, arrival of, 522.
,, Commission of, published, 522.
,,, as Captain of Independent Company, 38.
,,, for granting pardon to pirates, 638–642, 732.
,,, for trying pirates, 403; and see Plantations, Governors of.
,, Vice-Admiralty, instruction concerning, 144, 144 i.
,, Councillors proposed by, 53.
,, departure of, 327, 356.
,,, delayed, 421.
,, document signed by, 151, 566 ii.
,, Instructions of, 18 i, 64, 144, 144 i, 189, 264, 291, 295, 367, 415, 566.
,,, alterations in, 665.
,,, concerning acts affecting British trade and shipping, 142, 272, 313.
,,, affecting Royal Prerogative, 313.
,,, re-enactment of, 144 i.
,,,, revenue, 144 i.
,,,, temporary, 144 i.
,,,, Trade and Navigation, 144 ii.
,,, concerning Agent, 144 i.
,,, concerning amendment of money bills, 144 i.
,,, concerning adjournment of Assembly, 144 i.
,,, concerning appeals, 144, 320 i.
,,, concerning charges against, omitted, 144.
,,, concerning debts, payment of, 144 i.
,,, concerning duties on negroes, 206 i, 272, 296, 313.
,,, concerning ecclesiastical preferments, 144.
,,, concerning fortifications, 303.
,,, concerning *L'aimable Marie*, 643.
,,, piracies against Spaniards, 361.

- Lawes, Sir Nicholas, Instructions—
cont.
 , , concerning pirates,
 421.
 , , concerning privi-
 leges of Assemblymen and
 Councillors, 144 i.
 , , concerning pro-
 tection and encouragement of
 Jews, 622.
 , , concerning the
 Two Companies, 144 i.
 , , observations upon,
 55, 356.
 , , proposed, 206 i,
 606.
 , , requested by, 327,
 356, 421.
 , , letter from, 54, 55, 78,
 116, 181, 196, 311, 356, 421,
 522, 566, 681, 682, 748, 713.
 , , referred, 685, 686,
 795.
 , , letter to, 181, 189, 282,
 303, 331, 415, 446, 488, 622,
 642, 643, 681, 681 iv.
 , , observations by, on acts,
 311 i.
 , , petition of, 163 i.
 , , report upon, 175.
 , , proclamation by, 713.
 , , speech by, Assembly's
 resolutions on, 681, 681 ii.
 Leather, Robert, Capt., taken by
 pirates, 797 v.
 Le Bour, Lew. de, pirate, 742.
 Lechmere, Sir Nicholas, Attorney
 General, letter, reference, to,
 636, 671, 731, 801.
 Ledeatt, Jos., deposition of, 729 (b).
 , , document signed by, 192.
 Lee, Thomas, Councillor, Montserrat,
 death of, 797.
 , , jr., proposed for Council,
 Montserrat, 797.
 LEEWARD ISLANDS, THE; *and see*
 Virgin Islands: Antigua;
 Nevis; Montserrat; St. Kitts.
 , Acts affecting British trade
 and shipping, instruction con-
 cerning, 90 i, 111, 142.
 , , collection of, 171, 408.
 , , instructions concerning,
 531.
 , , ordered to be
 observed, 570.
 , , observations by Council
 of Trade on, 570, 570 i, 736.
 , , by Governor, required,
 171, 487, 736.
 , , opinions on, repudiated
 by Attorney and Solicitor
 General, 237.
 , , complaint of Council
 of Trade concerning, 237.
 Leeward Islands, Acts—*cont.*
 , , printing of, proposed,
 408, 409.
 , , private, 570.
 , , , clause saving
 H.M. right required in, 736.
 , , repealed, payment of
 fees for, 408.
 , , undue severity of, to
 be discouraged by Governor,
 171.
 , Agents of, 171, 408; *and see*
 Duport, S.; Jory, J.
 , , document signed by,
 200.
 , aid for St. Thomas against
 Spanish attack solicited, 818 i.
 , Assemblies of, Clerks of, order
 to, 736, 736 ii.
 , , Journals of, required to
 be transmitted, 570.
 , Attorney General. *See*
 Carter.
 , British ships seized by Spani-
 ards, 692, 692 vi–viii.
 , Crooke, Col., case of, 736.
 , Councils, Minutes of, required
 to be transmitted, 570.
 , , vacancies in, required
 to be notified, 570.
 , Councillors, leave of absence
 for, 647, 654, 736.
 , , notification of,
 required, 570.
 , Customs, Surveyor General
 of, 277.
 , drought in, 298 v, 442.
 , escheats in, 692.
 , expedition against Martinique,
 260.
 , , Guadeloupe, 260.
 , 4½ p.c. duty, address con-
 cerning, 277.
 , , diverted to Civil List,
 200.
 , , intended for fortifica-
 tions, 200.
 , Government of, annual ex-
 pence of, return of, ordered,
 408.
 , Governor of. *See* Stapleton,
 Sir W.; Hamilton, W.;
 Codrington, Christopher;
 Parke, Col.; Douglas, Col.;
 Matthews, W.
 , Governors of, Instructions of,
 8 i, 531.
 , guardship, 40, 298, 494 i, ii.
 , , additional, request for,
 134, 298, 487, 797.
 , , , referred,
 430, 431, 557.
 , , , report upon,
 570.

- Leeward Islands, guardship, additional
—*cont.*
.....,, ordered for, 298,
442.
.....,, withdrawn, 442.
.....,, sent in search of pirates,
298.
.....,, victuals at Barbados,
691, 797.
.....,, victualling station in
L.I. proposed, 691, 797.
....., hurricane, damage by, 40.
.....,, season, 691.
....., imports of, account of, 692.
....., inhabitants, decrease of,
causes of, 40, 93.
.....,, enquiries concern-
ing, 652 I.
.....,, removal of, enquiries
concerning, 652 I.
.....,, discouraged, 171.
.....,, to Crab I., pro-
hibited, 40, 692, 692 I.
....., lands in, grants of, rents of, 692.
....., Lt. General of. *See* Matthew,
Wm.
....., manufactures in, enquiry con-
cerning, 652 I.
....., Naval Officer. *See* Floyer,
John; Perry, Edward.
....., Naval Officers' lists required,
736.
....., negroes, imported from St.
Eustatia, question concerning,
692.
.....,, runaway, exactions by
Danes, protest against, 298 x.
....., orders in Council, copies of,
fees for, 408.
....., Patent Offices, 805.
.....,, bargaining for, 822.
....., pirate ship, chased off St.
Thomas, 298.
.....,, destroyed at Crab
Island, 298.
....., pirates, 134, 736.
.....,, commission for pardon-
ing, 746.
.....,, commission for trying,
405; *and see* Plantations, Gov-
ernors of.
.....,, depredations of, 797,
797 I-VI.
.....,, measures against, 298.
....., presents from Assemblies,
instruction concerning, 257 I;
and see Hamilton, W.
....., produce of, enquiry con-
cerning, 652 I.
....., queries concerning, by Council
of Trade, 652, 652 I.
....., quit-rents, 156 I.
....., H.M. Regiment in, 298.
.....,, deserters from, harboured
by Dutch, complaint of, 797.
- Leeward Islands, H.M. Regiment in—
cont.
.....,, Lt. Col. of. *See* Morris,
Valentine.
.....,, sent in search of pirates,
298.
....., Revenue, accounts of, Com-
mittees for auditing *etc.*, 442,
692.
.....,, statement of, demanded,
171, 408, 442, 692.
....., Sta. Lucia. *See* Sta. Lucia.
....., seal, new, for, 127, 150.
.....,, warrant for using,
127, 135, 142.
.....,, old, broken, 358, 526.
....., Secretary and Clerk of the
Crown. *See* Hedges, Charles;
Knight, John.
....., Secretaries of, orders to, 736,
736 II.
....., shipping, enquiry concerning,
652 I.
....., Solicitor General of. *See*
Spooner, John.
....., stores of war for, need of,
urged, 171, 200, 202.
.....,, payment for, out of
4½ p.c. duty intended, 200.
....., trade and shipping, acts
affecting, instruction concern-
ing, 90 I, 111, 142.
....., trade of, enquiries concerning,
652, 652 I.
.....,, illegal, discouraged, 413.
.....,, prevention of,
enquiry concerning, 652, 652 I.
.....,, with Dutch, 692, 797.
.....,, with foreign Plantations,
enquiry concerning, 652 I.
.....,, in English bottoms,
legitimacy of, question con-
cerning, 692.
.....,, with Madeira and
Western Islands, return of,
required, 408, 736.
.....,, with Nfd., 798.
.....,, with N.H., 796.
.....,, with St. Eustatia, 797.
Leger, Sir John, plantation of, St.
Kitts, grant of, 46.
Leigh, —, French ship seized by,
591 II.
.....,, prosecution of, sureties
of, petition for, 591 II.
.....,, order for, proposed,
606.
.....,, ordered, 643.
Leland, Joshua, receipt by, 689 I.
Lenze, Capt., James de, petition of,
510.
.....,, wife of, claim for, 510.
Leonard, George, Lt. Governor,
Anguilla, instructions to, 40 I.
.....,, letter from, 40 I.

- Leonard—*cont.*
 Robert, Capt., deposition of, 797 vi.
 , captured by pirates, 797 vi.
 Thomas, recommended for Council, N.J., 739.
- Leslei, F., pirate, surrender of, 345 iii.
- Leslie, William, document signed by, 742 iv-xii, xiv.
- Lesley, Col., sloop of, taken by pirates, 797 iv.
- Le Sone, 351 i; *and see* Latonde.
- Levy, Moses, 445 ii.
 , document signed by, 445 i.
- Lewis, John, recommended for Council, Jam., 53.
 John, Va., grant of lands to, 657 iv.
- Lexinton, Lord. *See* Sutton, Robert.
- Liddell (Lyddell), George, Councillor, St. Kitts, 797.
 , plantation of, in St. Kitts, grant of, 26 ii.
 , warrant confirming, 26 i, 574.
 , proposal to purchase, 26.
 Samuel, French ship seized by, 591 ii.
 , prosecution of, petition for, 591 ii.
 , order for, 643.
 , proposed, 606.
- Lightfoot, John, document signed by, 411, 412.
 Richard, petition of, 448.
 , recommended for Council, Barbados, 448.
- Livingston, Robert, Speaker, N.Y.
 , document signed by, 718 i, 738 vi.
- Lloyd, John (N.J.), memorial by, 50.
 , petition of, 445 i.
 , residence of, N.Y., 445 ii.
 , Agent for Barbados, document signed by, 103, 516.
 , letter from, 716.
 , Secretary to Post Master General, letter to, 668.
- Lodwick, Charles, 445 ii.
 , document signed by, 445 i, 516, 663 i.
 , petition, memorial, by, 50, 707.
 , reply to, 578 i.
 , comment on, 402.
- Logan, George, Speaker of Assembly, document signed by, 399.
- Logwood cutters in Campeche Bay, Laguna de Terminos etc., protest against by Spain, reply to, 104 i.
- Logwood, price of, 104 i.
 , trade in, 85 i.
 , importance of, 104 i.
- London, Bishop of, 144.
 , attempt to erect ecclesiastical Court in Barbados, repudiated by, 88.
 , Commissary of, complaint concerning, 68 i.
 , referred, 68; *and see* Blair; Gordon.
 , powers of, 159.
 , ecclesiastical jurisdiction of, in the Plantations, 88, 159.
 , intrigue of against Hunter, alleged, 373 iv.
 , letter from, 88, 159, 159 ii.
 , letter to, 159 vi, 192.
 , merchants, grant of Newfoundland to, 798.
 , petition of, 631, 687.
 , testimonial by, 64.
 , sailings for Newfoundland, 626 i.
- Lonsdale, Catherine, Viscountess. *See* Lowther.
- Looby, Bap., document signed by, 411, 412.
- Lords Justices, The, Secretary of. *See* Delafaye, Charles.
- Louisiana, communication with Canada, enquiry concerning, 334, 344, 402, 419, 450, 699, 723.
 , reply to, 600, 657, 699, 700, 723, 800.
 , patent of, 238.
- Low, Anne, Mrs., deposition of, 262.
 , letter from, 244.
 , petition for patent for sturgeon fishery, 149 i, 198.
 , referred, 149.
 , report upon, 480.
 , withdrawn, 244.
 , father of, 149 i.
 , husband of, murdered by Indians, 149 i.
 , summoned to attend Board, 226.
 , Joseph, document signed by, 445 i.
- Lowndes, William, Secretary to the Treasury, letter from, 503, 711, 755.
 , letter to, 106, 147, 202, 546, 726.
- Lowther, Catherine, Viscountess Lonsdale, Act of Barbados, to confirm certain deeds etc., enquiry concerning, 212.

Lowther—*cont.*

-, Robert, Governor of Barbados, 79.
-,, Act of Barbados, *to confirm certain deeds*, enquiry concerning, 212.
-,, Commission for trying pirates, 471, 716 I; *and see* Plantations, Governors of.
-,, Councillor suspended by, caveat against, 698.
-,, instructions of, 88, 742, 767; *and see* Plantations, Governors of.
-,, alterations in, 666.
-,, concerning acts affecting trade and shipping, 90 I, 111, 142.
-,, relating to salary *etc.*, infringement of, 471.
-,, rebuked, 471.
-,, letter from, 2, 159, 159 VI, 215, 534, 742, 743.
-,, referred, 473.
-,, letter to, 88, 159 II, 212, 471, 490, 561, 821.
-,, presents to, excessive, 471.
-,, refusal of, to apply to Martinique for return of runaway slaves, 753 I.
-,, instruction concerning, 767.
- Loyard, Père, 789 IV.
- Lucas, George, document signed by, 413.
-,, proposed for Council, Antigua, 797.
-, Richard, Col., Regiment of, in Leeward Islands, 736.
- Ludlow Castle, H.M.S., 566.
- Ludlow, Gabriel, Clerk of Assembly, N.Y., affidavit by, 738 III.
-,, document signed by, 603 III.
- Ludwell, Philip, Auditor, Va., suspended, 800.
-,, business of, 568.
-,, in partnership with Blairs, 568.
-,, Councillor, dismissal of, proposed, 588.
-,, charge against, reply to, 456.
-,,, copy refused to Lt. Gov. Spotswood, 456.
-,, Governor's right to collate to benefices challenged by, 657.
-,, opposition to Lt. Governor led by, 456, 568, 588, 799, 800.
-,, cause of, 800.
-,, relatives of, on Council, 209, 568, 799, 800.

Ludwell, Philip—*cont.*

-,, wife of, 209.
-,, son in law of. *See* Grymes.
- Lurting, Robert, document signed by, 516 I.
- Lyal, David, Councillor, N.J., resident in New York, 194.
- Lyddell. *See* Liddell.
- Lyme, H.M.S., 800.
- Lynch, Ambrose (Barth.), deposition of, 297 I.
-, Bartholomew, certificate by, 43 II.
-, Nicholas, petition of, 309.
-, Sir Thomas, former Governor of Jamaica, 104 I.
-, Thomas, document signed by, 399.

M

- McArthur, Gibbes, plantation of, petition concerning, 30, 30 I.
-,, grant of, continued, 574.
- McCarty, Daniel, Speaker of Assembly, Va., document signed by, 568 IV, 800 II (a).
- Mac-Culle, Nathaniel, deposition of, 551 IV.
- McDowall, William, Capt., Councillor, St. Kitts, 736, 797.
-,, proposal to purchase plantation in St. Kitts, 62.
- McGill, Robert, 298 III.
- (Makgill), Thomas (Nevis), deposition of, 134 VII.
- Mackinen, Dan., document signed by, 413.
- Macnemara, Thomas, charges by, against Governor Hart, 289.
- MacPheadris (Macphedres), Archibald, deposition of, 616 VI (b).
-,, recommended for Council, N.H., 700.
- Maddock, Thomas, 751.
- Madeira, trade with, 85.
-,, Barbados, 797 IV.
-,, N.E., 330.
-,, returns of, 330, 575, 600, 618, 618 I, 736, 742.
-,, required, 334, 344, 402, 408, 419, 450, 465, 471.
- Maine, purchase of, 616; *and see* Mass. Bay.
- March, Francis, 421.
-,, letter from, 225.
-,, recommended for Council, Jam., 53.

- Marchant, Ambrose, deposition of, 729 (a).
- Margaret*, sloop, captured by pirates, 298 III.
- Markham, Benjamin, grant of, continued, 574.
- Markoe, Peter, document signed by, 298 VII.
- Marooners, 737.
- Marsh, John, 191.
-,, letter from, 521.
-,, letter to, 217, 512.
- Marshall, Capt. (Jam.), 737 IV.
-,, mission of, to St. Thomas, 298, 487, 736.
-,, instructions of, 298, 298 X.
-,, returns to England, 736.
- Martin, Jonathan, deposition of, 358 I.
-, Peter, petition of, 309.
- Martinique, British ship seized at, representation concerning, 64.
-, expedition against, 260.
-, Governor of, 753 I.
-,, Papist settlers from Antigua invited by, 309.
-, hostages from Nevis. *See* Nevis, invasion by French.
-, merchant of, complaint by. *See* Sales, Pierre.
-, negroes, runaway from Barbados, 77.
-,,, list of, 763, 767 I.
-,,, restoration of, petition for, 753 I.
-,,, referred, 753.
-,,, regulation for, 753 I.
-, revolution at, instructions to British Governors concerning, 100.
-,, Proclamation concerning, 100 I.
-,, ships taken by pirates, 797 I, IV.
-, soil of, enquiry concerning, 652.
-, trade, illegal, with, measures to prevent, 767.
-, trade with, prohibition of, recommended, 534.
- Martin's Vineyard, I., 177 I.
- Martyn, Joseph, letter from; 30.
-,, plantation of, proposal to purchase, 83.
- Mary Anne*, pirate ship, 797 II.
- Mary* of Bristol, captured by pirates, 271.
- Mary and Elizabeth*, seized by Spaniards, 692, 692 VI-VIII.
- Mary*, sloop, 131 IV, V, 714 I; and *see* Jamaica, privateers.
- MARYLAND, 309.
-, Attorney General, collusion of, 289.
-, Council, 100, 417 I.
-, Governor of. *See* Hart, John.
-,, attends Conference concerning Indians, 59, 406.
-, Papists and Jacobites in, alleged encouragement of, by Governor, 288.
-, pirates, commissions for trying, 405.
-, Proclamation forbidding assistance to rebels at Martinique, 100, 100 I.
-, trade, 819.
-,, duties on, 552.
-,, illegal in, encouragement of, by Governor, alleged, 289.
-,,, with foreign Plantations, proclamation prohibiting, 417 I, II.
- Mason, Major, 88, 159.
- MASSACHUSETTS BAY; and *see* New England.
-, Act, in addition to Act for regulating fees, 274.
-,, in addition to and explanation of two Acts etc. for regulating fees, complaint, concerning, 274.
-, Acts, 524.
-,, affecting trade and shipping of Great Britain, only to be passed with suspensory clause, 90 I, 111, 142.
-,, transmitted, 776.
-,, Governor's Instructions relating to, 544; and *see* Plantations, Governors of.
-,, of Parliament, authority of, denied in, 616.
-, Agent of. *See* Dummer, Jeremiah.
-, Assembly of, 544.
-,, adjourned, 776.
-,, directions concerning naval stores by, 700.
-,, Journal of, 278, 524, 744, 776.
-,, Speaker of, letter, memorial to, 616, 616 IV.
-, Berwick, 616 II, IV.
-, Boston, 575 I, 620, 620 I, 660, 700 VII, 797 IV.
-,, Castle William, account of stores at, 193, 193 I, II.
-,, Exchange, 236.
-,, Change, 650.
-,, imports, account of, 85 I.
-,, Naval Officer's accounts, 341.
-,, post, 317, 735.
-,, whale-fishery, 317.

Massachusetts—*cont.*

-, Charter of, 261, 511, 706, 741.
-, , claims under, 616, 616 I-VI.
-, , enquiry concerning, 308.
-, , opinion concerning, 383, 383 I-III.
-, , scire facias for resumption of, suggested, 755.
-, , H.M. Woods reserved by, 744.
-, coins, currency in, paper, depreciation of, 193, 236, 650, 724 I.
-, Company, 543, 744.
-, Council, 544, 700.
-, , Governor's Instructions communicated to, 544.
-, , Minutes of, 776.
-, Council and Assembly, Committee of, 616, 616 II.
-, Councillors, 616; *and see* Cooke, J.
-, Court of Admiralty, pirates condemned in, 193.
-, Crown officers in, hostility to, 616.
-, Customs, Surveyor of. *See* Cumings, A.
-, defence of, 543.
-, exports of, 85, 330, 620.
-, , accounts of, 544, 700, 700 VII.
-, , exceeded by imports, 193.
-, fees in, act regulating, complaint concerning, 274.
-, forts, repair of, needed, 193.
-, French advance, not threatening, 700.
-, , at Capt Breton, danger from, 700.
-, French fishery at Canso, man of war sent to disperse, 782, 782 I, II.
-, French settlements on Mississippi, enquiry concerning, 544.
-, Governor of. *See* Shute, S.
-, , salary of, 700.
-, , grants of land by, 261, 268.
-, Governor, Council and Assembly of, representation to, 616.
-, , , reply to, 616, 616 III.
-, imports of, 330, 620 I.
-, , account of, 700, 700 VII.
-, , excess over exports, 193.
-, Indians, Eastern, treaty with, 193.
-, , intrigues of Jesuits with, 700.
-, , outbreak of, feared, 700.
-, , war with, cost of, 193.
-, inhabitants, capable of bearing arms, 193.

Massachusetts, inhabitants—*cont.*

-, , increase of, method proposed for, 193.
-, Kittery, 616 IV.
-, labour in, scarcity of, 193.
-, lands between Nova Scotia and Maine, claim to, 396, 397, 543.
-, , , opinion on, 383, 511.
-, , , objection to, 383 I, III.
-, , , reply to, 383 II.
-, , , petition and proposal concerning, 458 I, 543.
-, , , report upon, 241, 242, 261.
-, , , referred back, 308.
-, , , , reply to, 261.
-, lands in, grants of, method of, 700.
-, Lt. Governor. *See* Tailor, W.
-, , salary of, 700.
-, Maine (York County), development of, 616; *and see* Mass., lands between.
-, , , grant of, 616 II, IV.
-, , , lumber, removal of duty proposed, 193.
-, , purchase of, 616.
-, , , question raised on, 744.
-, , woods in, claim to, 616, 616 I-VIII.
-, , , , enquiry concerning, 741.
-, , , waste in, 616, 617.
-, , , sawmills erected in, 616.
-, Marblehead, Naval Officer's accounts, 341.
-, Militia of, list of, 575, 575 II.
-, mines, royalties, 700.
-, naval stores, encouragement of, recommended, 193.
-, , exports of, 85, 330.
-, , instructions for maintaining quality of, 419, 700.
-, , , proposed to Assembly, 700.
-, Patent Offices in, 274.
-, pirates, depredations of, evil effect of, on trade, 575.
-, , pardon of, little effect of, 575.
-, , ships taken by, 660, 797 II, IV.
-, , trials of, 193, 575, 575 I.
-, , , copies of, required, 419.
-, , , commission for, 405; *and see* Plantations, Governors of.

- Massachusetts, pirates, trials of, commission for—*cont.*
 validity of, question of, 656, 659, 669 I, 747.
 reply to, 575, 658, 669 II.
 Post, 317, 650, 735.
 proclamation in, 193.
 quit rents, not reserved, 700.
 Revenue, accounts of, 193, 700, 700 IV.
 required, 419.
 auditing of, 193.
 instructions concerning, 544.
 St. Thomas, trade with, 620 I.
 Salem, Naval Officer's accounts, 341.
 seal, new, for, 127.
 warrant for using, 127, 135, 142, 544.
 old, broken and returned, 544.
 Secretary of. *See* Willard, Josiah.
 fees of, Act affecting, complaint against, 274.
 shipbuilding in, 85.
 stores of war in, accounts of, 193, 193 I-III, 700, 700 IX, X.
 townships, new, laid out, 616.
 woods in, right to, 616, 616 I, II.
 title of Crown to, 755.
 denied, 283.
 enquiry concerning, 711, 726, 741.
 opinion on, 744; *and see* Mass., Maine.
 woods in, preservation of, instructions for, 755.
 observance of, urged, 755.
 waste of, 616, 617, 672, 735.
 difficulty of preventing, 616.
 trade and shipping, Acts affecting, instructions concerning, 90 I, 111, 142.
 trade, with Dutch, 620 I.
 with French, Proclamation prohibiting, 193.
 with Great Britain, 620.
 with Madeira and Azores, 85, 330.
 accounts of, 575.
 required, 419.
 with Spaniards, 620 I.
 with West Indies, 85, 85 I, 330.
 Treasurer, *see* Allen, Jeremiah.
- Massachusetts—*cont.*
 wool clip in, 620.
 export of, 620.
 Masters, Capt., engagement with pirates, 730.
 Mather, Increase, wife of, claim to lands N.E., report upon, 261.
 reply to, 268.
 Mathew, Mrs. Louise (Burt), grant of, continued, 574.
 (Matthews) William, Lt. Governor of Leeward Islands and St. Kitts, 441, 797.
 grant by, 29, 46.
 of, continued, 574.
 letter from, 559.
 leave of absence, 719, 736.
 Mathews, Thomas, Lt., commission of, 278.
 Maxwell, Thomas, document signed by, 742 IV-XII.
 Maycock, Thomas, junr., document signed by, 742 IV-XII.
 Mayer, Samuel, document signed by, 192.
 Mayne, Jos., letter from, 188.
 letter to, 150.
 Mede, Capt., 660.
 Mellanson, Peter, 371 I.
 letter from, 371 III.
 letter to, 371 I, II.
 Mercury, loss of, 373, 376.
 Merida, 104 I.
 George, document signed by, 438, 439.
 John, document signed by, 286.
 Merrimac, River, 616.
 Merry-meeting Creek, 261.
 Methuen, Paul, Secretary of State for the Southern Department, 104 I, 195.
 Mexico, Bay of, 389.
 trade in, 389.
 description and sailing directions, 820.
 Viceroy of, 423.
 Micklethwaite, Jo., Agent for Barbados, 767.
 document signed by, 103.
 Joseph, Secretary, Barbados, petition of, 210, 229.
 withdrawn, 269.
 report upon, 259.
 Middlebourrow. *See* Hern, Joseph.
 Middleton, Lewis, Capt., captured by pirates, 551 IX.
 deposition of, 551 IX.
 Milford, H.M.S., 737.
 Miller, Daniel, document signed by, 603 I.
 Milles, Joseph, sentence of, suspended, 490.

- Milliken, James, agreement of, with Mr. Stoddart, 441, 441 I, II.
 , , deposition of, 441 I.
 , , plantation of, grant of, 16, 260, 441, 441 I-III, 691.
 , , complaint concerning, 441.
 , , order concerning, 369.
 , , report upon, 325.
 , , proposal to purchase, 62.
 , , removal of, from Nevis to St. Kitts, 797.
 , , proposed for Council, St. Kitts, 797.
 , , services of, 441.
 Mills, John, proposal by, for purchasing former French lands in St. Kitts, 30, 92, 93, 146, 156.
 , , death of, 156, 305.
 , Mathew, Chief Justice, St. Kitts, 134 IV.
 , , appointment of, 134.
 , , proposal to purchase plantation, St. Kitts, 41.
 Milward, John, Councillor, St. Kitts, 797.
 Mines, iron, Va., discovery of, 800.
 Minshall, Thomas, contract of, 258.
 , , letter from, 321.
 Miranda, J., petition of, 662, 676.
 Mississippi, Company, 238.
 , French communications with Canada, enquiry concerning, 334, 344, 402, 419, 450, 699, 723.
 , , reply to, 600, 657, 699, 700, 723, 800.
 , , exploration of, 238, 256.
 Mitchell, Thomas, Capt., R.N., grant of lands to, St. Kitts, 260, 325, 441, 441 III.
 , , widow of, 260, 325.
 Modyford, Sir Thomas, former Governor of Jamaica, 104 I.
 Molesworth, John, a Commissioner of Trade and Plantations, 233, 625.
 Moll, John, 177 I.
 Mona, I., rendezvous of pirates, 797 II.
 Monteleon, Marquis de, Spanish Ambassador, memorial of, reply to, 104 I.
 , , son of, 679.
 Montgomery (Mountgomery), Sir Robert, deposition of, 684.
 , , grant to, of Margravate of Azilia, 360 I, 389.
 , , referred, 424.
 , , report upon, 459, 493.
 , , requested, 475.
 Montgomery, Sir Robert, grant to—*cont.*
 , , settlement of, proposed for, 389, 671 I.
 , , referred, 360, 587, 671.
 , , reasons for, 389.
 , , products of, 389.
 , , recommendation of, 360 I, 493.
 MONTserrat; and see Hamilton, W., Governor of; and Leeward Islands.
 , Act, for quieting possessions etc., objections to, 545, 652.
 , , new, proposed, 652.
 , , repealing Six pound act, objection to, 570 I (b).
 , Acts of, collection of, required, 171.
 , Assembly of, 692.
 , , Journal of, transmission of, required, 736, 736 II.
 , Council of, 692.
 , , Minutes of, required, 736, 736 II.
 , Councillors, 797.
 , , absentee, 797.
 , , persons proposed for, 797.
 , Governor of. See Hamilton, W.
 , inhabitants of, migrate to Crab Island, 40.
 , , testimonial by, 61 II.
 , invasion of, by French, 40.
 , , damages by, to be assessed by Commissaries, 230.
 , Lt. Governor of. See Tolmach, T.
 Montserrat Merchant, captured by pirates, 298 II.
 Moody, Col. John, Lt. Governor of Placentia, fish of French seized by, 626 I.
 , , orders and proceedings of, 542.
 , William, pirate, 797, 797 I, v.
 Moore, John, Councillor, Jam., appointed, 144.
 , , recommended, 53.
 , , document signed by, 97 I, 516 I.
 , Roger, document signed by, 399.
 , Samuel, recommended for Council, Jam., 53.
 , , appointed, 144.
 Morant, John, Councillor, Jam., appointed, 144.
 , , recommended, 53.
 Morgon, Edward, document signed by, 413.
 , Jacob, document signed by, 411, 412.

- Morice, Ham., 641.
- Morris, Lewis, Councillor, N.J., resident in New York, 194.
-, charge against, 516.
-, document signed by, 718 I.
-, Thomas, suspended from Council, Antigua, 358, 491, 570, 736, 797.
-, depositions and reasons for, 358, 358 I, 359 I-XII.
-, Minutes of Council concerning, 521.
-, petition concerning, 477.
-, letter from, 359.
-, Valentine, Lt. Col. of Regiment in the Leeward Islands, 736.
-, character of, 736.
-, deposition by, 335.
-, Councillor, Antigua, leave of absence of, 654, 736, 736 II, 797.
-, proposed for Councils of all the L.I., 736.
-, William, N.J., deceased, 739.
-, Councillor, Antigua, death of, 797.
- Mounswaggen Bay, 261.
- Mountain, Thomas, deposition of, 359 II.
- Mount Desart, 351.
- Mountgomery, Sir R. *See* Montgomery.
- Moville (Mobile), French at, 657.
-, enemy Indians encouraged by, 556.
-, increase of, 423.
-, trade with, 660.
- Mudd, George, recommended for Council, Jam., 53.
- Muirhead, John, recommended for Council, N.J., 739.
- Mulford, Isaac, document signed by, 603 I.
-, John, document signed by, 603 I.
-, Samuel, N.Y., absconds, 317.
-, Address got up by, 223, 603, 603 II.
-, suppressed, 603.
-, disowned, 603, 603 I.
-, arrest of, writ for, 49 I.
-, charges against, by Governor Hunter, 600-603.
-, charges by, against Governor Hunter, 49, 344, 633.
-, petition concerning, 14.
-, reply to, 317, 317 I-XI, 553, 554, 600, 603 III.
-, by Council and Assembly, 724 II, III.
- Mulford, Samuel, charges by, petition concerning—*cont.*
-, lost, 373, 376.
-, by Col. Schuyler, 578 I.
-, referred, 501 I.
-, report upon, 317, 317 XI, XIV.
-, Connecticut interest of, 126, 317 XI.
-, document signed by, 445 I.
-, expedition against Indians proposed by, 126.
-, expelled from Assembly, 317.
-, Indian affairs, policy of, criticised, 126, 317 XI.
-, letter from, 49.
-, opposition of, to payment for Canada Expedition, 126.
-, to settlement of revenue, 317.
-, petition, memorial, by, 94, 223.
-, reply to, 112, 112 I, 126, 317, 317 XI.
-, required, 402.
-, hearing of, deferred, 453.
-, report upon, petition for, 349.
-, petitions prepared by, 223.
-, prosecution of, 126, 317, 317 XI, XII.
-, complaint concerning, 49, 49 I.
-, order suspending, 554.
-, reason for, 126.
-, reprimand of, request for, 112.
-, residence of, 445 II.
-, speech of, in Assembly, 49 II.
-, publication of, prosecution for, 126, 317 XII.
-, whale-fishing, licences for, disputed by, 600, 603, 603 I-III.
-, case concerning, brought by, 600, 603 III.
-, decision in, 600.
-, referred, 468.
-, whale oil made by, without licence, warrant for seizing, 317 IX.
-, Thomas, document signed by, 603 I.

Mullins, Major Richard, passport of, 434.

Musgrove, Col., mission of, to Indians, 423.

N

Nantucket, 177 I.

....., wool exported, 620.

Narragansett, 177 I.

Nassau, ship, case of, 750, 750 I-v.

Naval Stores (timber, hemp, pitch, tar, turpentine); *and see* iron.

....., Bristol Co., lands purchased by, from W. Penn, 177 I.

....., exports from the Plantations, (Car. S.), 787.

....., (N.E.), 85, 330.

....., (N.H.), 806 I, 810, 810 III.

....., encouragement of, considered, 193, 815.

....., to the Continent, 806 I, 810, 810 III, 819.

....., French supplied with, by Danes, 628 I.

....., pitch and tar, bought for Navy, account of, requested, 381.

....., quality of, Act for maintaining, 699, 700, 738.

....., complaints concerning, 382, 416, 699.

....., instructions to Governors for maintaining, 382, 416, 419.

....., premium on, effect of, on Swedish monopoly, 819.

....., paid for, account of, 386 I.

....., request for, 381, 387.

....., tar, in N.Y., failure to make, 402.

....., in the Plantations, report upon, by Mr. Gee, 819.

....., to the House of Commons ordered, 328, 328 I.

....., timber, duty on, removal of, proposed, 330, 788.

Navy, H.M.; *and see* Admiralty; Byng, Sir G.; Burchett, J.; Jamaica, Naval Squadron at.

....., Burchett's History of, 624, 624 I.

....., Commanders of H.M. ships, complaint against, 566.

....., trading by, 566.

....., action brought against by pirate, 800.

Navy, H.M.—*cont.*

....., Commissioners of, letter from, 386.

....., letter to, 381, 387.

....., convoy for plantation ships, 10, 54, 58, 78, 141, 144, 271.

....., deserters, harbouring of, proclamation prohibiting, Va., 657, 657 III.

....., guardships in the Plantations:— (Bahamas), 737.

....., Barbados, 471.

....., letters from Captains of, 821.

....., (Bermuda), request for, 551.

....., (Car.), request for, 556, 730, 787.

....., (Jam.), 35.

....., request for increase, 54, 65 II, 681 III.

....., manned by soldiers, 78.

....., Leeward Islands, increase of, request for, 134, 298, 430, 431, 487, 557, 797.

....., dispatched and withdrawn, 442.

....., victual at Barbados, 691, 797.

....., victualling station in L.I. proposed, 691, 797.

....., (Nova Scotia), 352, 619.

....., request for, 351, 550, 619, 789.

....., (Va.), 657, 800.

....., control of, by Governors, proposed, 54, 144, 681 III, 737, 807.

....., refused by Admiralty, 144.

....., trading by, complaint concerning, 681 III.

....., orders prohibiting, 688.

....., pirates, captured by, 742; *and see* pirates.

....., expedition against (Bahamas), 471; *and see* Rogers, W.

....., ships ordered for suppression of, 64.

....., ships:—*See*

Adventure.

Diamond.

Dragon.

Gloucester.

Ludlow Castle.

Lyme.

Milford.

Newcastle.

Pearl.

Navy, H.M., ships—*cont.**Phoenix.**Rose.**Rye.**Scarborough.**Seaford.**Shark.**Sheerness.**Snow.**Squirrel.**Swift.**Trial.**Winchelsea.*

....., victory over Spaniards,
807.

Nedham, William, Chief Justice and
Speaker, Jam., 322, 681.

....., dedimus to, 324.

....., document signed by,
681 III.

....., proposed for Council, 53.
Negnomkey, 261.

Negroes, 797 IV, 800.

....., Angola, 660.

....., Antigua, 495 I, 547.

....., Barbados, 103 I.

....., runaway, to Martinique,
77, 753 I, 763, 767 I.

....., tax on, 742, 742 XIII, 743.

....., Bermuda, danger from, 551.

....., Car., danger from, 384.

....., duty on, 660.

....., runaway, protected by
Spaniards, 423, 556.

....., Crab I., taken prisoners by
Spaniards, 442.

....., Jam., 144; *and see* Act *laying*
duty on.

....., exported to Spanish
West Indies, account of, 206 II.

....., imports of, account of,
566.

....., need of, for planting,
196.

....., price of, 196.

....., raised by Asiento
trade, 196.

....., tax upon, exported. *See*
Jamaica, Act laying duty on.

....., punishment of, Act
concerning, 300.

....., Leeward Islands, runaway,
298 x.

....., Nevis. *See* Nevis, Act *for*
good government of.

....., "peiced India," 196.

....., "refuse," 196.

....., runaway, harboured, at St.
Thomas, 628 I.

....., at Martinique, 77,
753 I, 763, 767 I.

....., at St. Augustine,
423, 556.

....., L.I., 298 x.

....., St. Kitts, 325, 510.

Negroes, St. Kitts—*cont.*

....., taxation of, 48.

....., trade in, between Dutch and
L.I., 692.

....., in Virgin Islands, 298 IV,
VI, VIII, IX, 442.

Neguamkett (Neaguamer), 261.

Negwassag, R., 261.

Neptune, ship, captured by pirates,
737.

....., seized by Spaniards,
692, 692 VI–VIII.

Nevins, Robert, document signed by,
603 I.

NEVIS; *and see* Hamilton, W.; *and*
Leeward Islands.

....., Act, *for the good government*
of negroes, 461.

....., confirmation of,
585.

....., recommended,
481, 540, 570 I (a).

....., referred, 461.

....., report upon, 472.

....., Governor's re-
marks upon, required, 487.

....., *for laying a duty upon*
French sugars, rum and molasses
imported, 461.

....., confirmation of,
request for, 481.

....., Governor's re-
marks upon, required, 487.

....., referred, 461.

....., report upon, 472.

....., to lie probationary,
570 I (a).

....., *to settle estate of Thomas*
Herbert, objection to, 570 I (a).

....., Acts of, collection of, 171.

....., Agent of. *See* Jory, Joseph.

....., Assembly of, 692.

....., Journals of, transmission
of, required, 736, 736 III.

....., Speaker of. *See*
Pemberton, Roger.

....., Council, 692.

....., Minutes of, transmission
of, required, 736, 736 II.

....., President of, 624 I.

....., Council and Assembly, Address
by, in favour of Governor
Hamilton, 438, 439.

....., Councillors, 797.

....., persons proposed for,
797.

....., dodan, 102 II, 230.

....., Governor of. *See* Hamilton,
W.

....., visit to, 40, 298.

....., inhabitants of, migration to
Crab Island, 40.

....., invasion of, by French, 40.

....., capitulation of,
230.

- Nevis, invasion of, by French—*cont.*
 , fulfilment of, demanded, 102 I, II.
 , infringement of, alleged, 230.
 , reference of, to Commissaries under Treaty, proposed, 230.
 , referred, 102.
 , terms of, 102 II.
 , hostages at Martinique, 102 II.
 , neglect of, alleged, 102 II.
 , report upon, 230.
 , survivor of, 230.
 , subsistence of, payments for, accounts of, 230.
 , release of, application for, proposed, 230.
 , sufferers from, debentures for, application to Parliament concerning, 762.
 , Lt. Governor of. *See* Smith, Daniel.
 , Lt. Governor, Council and Assembly, address of, 230.
 , negroes. *See* Act for good government of.
 , planters, proposals by, for purchase of plantations in St. Kitts, 31, 36.
 , records of, destroyed by French, 230.
 , succour for St. Kitts from, 45.
- Newcastle, Duke of. *See* Pelham-Holles.
- Newcastle, H.M.S., 164 I.
- NEW ENGLAND; *and see* Mass. Bay; New Hampshire.
 , exports from, 245, 620.
 , fishery, competition of, feared, 626 I.
 , development of, by fishermen brought from Newfoundland, 798; *and see* Newfoundland; Nova Scotia; N.E., sturgeon.
 , Governor of, to be entrusted with care of H.M. Woods, proposal for, 592; *and see* Shute, Samuel.
 , Governors, native-born, and H.M. Woods, 283.
 , imports and exports, account of, required, 245.
 , imports of foreign goods, return of, 418.
 , lands between, and Nova Scotia. *See* Nova Scotia; Mass., Maine.
 , logwood trade, 104 I.
 , Pemaquid, 177 I.
- New England—*cont.*
 , pirates, depredations of, 551 II, 797 II.
 , rum, quality of, 164.
 , ship captured by pirates, 551 II.
 , sturgeon, patent for. *See* Sturgeon.
 , trade, competition of, with Great Britain, objection to, 543, 550.
 , trade, with Danes, 620 I.
 , with France, 620, 621.
 , with Jamaica, 196.
 , Newfoundland, objections to, 550.
 , illegal, with Nova Scotia, 351 II.
 , wool and woollen manufactures, enquiry concerning, 418.
 , remedy for, proposed, 620.
- NEWFOUNDLAND, Act, to encourage trade to, 550, 798.
 , not observed, 115, 626 I.
 , to remedy abuses in trade of, draft of, submitted, 798, 808, 808 I.
 , Bay of Fortune, 626 I.
 , Cape Bonavista, 626, 751, 798.
 , Cape Race, 798.
 , Charter of, new, 798.
 , "Western," 798.
 , drunkenness, prevalent in, 115, 164, 626 I, 751, 798.
 , Fishery, abuses in, 115, 751.
 , remedies for, proposed, 115, 751; *and see* Act to remedy etc.
 , report upon, 626 I, 798.
 , account of, 440, 626 II, 751 III.
 , Act regulating, 550; *and see* Act to encourage trade to; Act to remedy abuses etc.
 , Convoy, Commodore of. *See* Passenger, W.; Scott, T.
 , appeals to, 626 I, 808 I.
 , report by, 115, 164, 626, 626 I, II, 751.
 , Instructions and Heads of Enquiry for, 414, 414 I, II, 527.
 , decay of, causes of, 751, 798.
 , fish, curing of, complaints concerning, 798.
 , prices of, 626 I, 798,

Newfoundland, Fishery—*cont.*

....., Fishing Admirals, 527.
 , abuses by, 626 I,
 751, 798.
 , authority of,
 objection to, 392 I.
 , complaints against,
 798; *and see* Weston; Cleeves;
 Tulon.
 , regulation of,
 808 I.
 , fleet, sailing of, 758 I.
 , French at Petit Nore,
etc., 626 I, 751.
 , boats of, ordered
 to be destroyed, 751.
 , at Placentia,
 798.
 , at St. Peters,
 542 (g), 626 I.
 , garrison's share in,
 denied, 626 I.
 , forbidden, 550.
 , growth and decay of,
 751, 798.
 , causes of, 751,
 798.
 , Hakluyt quoted, 798.
 , harbours, 626.
 , history of, report upon,
 by Council of Trade, 798.
 , importance of, 798.
 , New Englanders, Com-
 modore's order to sail with
 convoy, 164 I, 414 II, 751 II.
 , disobeyed,
 164.
 , punishment
 of, demanded, 164.
 , competition of,
 feared, 507, 626 I.
 , exclusion of, pro-
 posed, 507.
 , resident, 164.
 , rum supplied to
 fishermen by, 115, 164, 751,
 798.
 , prohibition
 of, proposed, 115.
 , seamen debauched
 and carried off by, 115, 164,
 414, 414 II, 626 I, 751, 798.
 , bonds to
 prevent, required from, 115,
 751, 751 I, II, 808 I.
 , prosecution of,
 urged, 115.
 , instructions for
 preventing, 414 II.
 , trade, illegal, by,
 751.
 , orders confining to
 British subjects, proposed, 527.
 , at Placentia, 798; *and*
see below, Placentia.

Newfoundland, Fishery—*cont.*

..... , prohibition of sale of
 alcoholic liquors in, effect of,
 798.
 , proposed, 115,
 808 I.
 , prosperity of, dependent
 on fishing ships, alleged, 798.
 , regulation of, 798; *and*
see Acts.
 , reports upon, 115, 164,
 612, 626, 626 I, II, 751, 798.
 , St. Peters. *See below*,
 St. Peters.
 , sailings for, 626 I.
 , salmon, 751.
 , seal, 751.
 , seamen, number of,
 employed in, 798; *and see*
 New Englanders: wages.
 , ships, number of, em-
 ployed in, 798.
 , Tulon, case of. *See*
 Tulon, G.
 , wages, 626 I, 751.
 , regulation pro-
 posed, 808 I.
 , share of proceeds,
 good results of, 798.
 , Western Adventurers,
 798.
 , French inhabitants, oath of
 allegiance, taken by, 64, 527.
 , not taken by,
 626 I.
 , fish of, seized, 626 I;
and see below, Placentia; St.
 Peters.
 , Governor of, 798.
 , resident, needed, 115,
 626 I, 751, 798.
 , instructions to, pro-
 posed, 527.
 , objection to, 798.
 , grant of, by James I, 798.
 , by Charles I, 798.
 , imports, accounts of, 798.
 , inhabitants, character of,
 626 I, 798.
 , debauched by New
 Englanders, 798.
 , forbidden to settle, 798.
 , number of, 626 II,
 751 III.
 , question of encouraging,
 507.
 , removal to Nova Scotia
 or W.I., recommended, 550,
 798.
 , Justices in absence of Com-
 modore, lack of fit men, 115.
 , Kirke, Sir David, grant of,
 798.
 , Lt. Governor of. *See* Purcell,
 Martin.

Newfoundland—*cont.*

-, Petty Harbour, Governor of, charge against, 626 i.
 -, pirates, commissions for trying, 405; *and see* Plantations, Governors of.
 -, Placentia, 626.
 -,, fishing stages engrossed at, complaint concerning, 798.
 -,, barracks and fortifications, repair of, order and material for, 507, 550, 645.
 -,,, report upon, 550, 612, 612 i.
 -,, French settlement at, 798.
 -,, garrison of, Judge Advocate. *See* Charnock, Charles.
 -,,, condition of, 392 i.
 -,,, reduction of, 507.
 -,,, further, 507.
 -,,, provision for, urgent, 507.
 -,,, report upon, 550.
 -,,, share in fishery, denied, 626 i.
 -,,,, forbidden, 550.
 -,, Governor of. *See* Philips, Richard.
 -,, Lt. Governor of. *See* Purcel, Martin.
 -,, Col. Moody's proceedings at, 1714, 542 (*h-j*).
 -,,, report upon, 285, 550.
 -, provisions, from Great Britain, 626 i.
 -,, Ireland, 626 i.
 -,, from N.E., 626 i.
 -, Purchase's *Pilgrim*, quoted, 798.
 -, reports, representation upon, 115, 164, 612, 626, 626 i, ii, 751, 798.
 -,,, referred, 604, 605.
 -, St. Johns, 626 i, 751.
 -,, fort built at, 798.
 -, St. Peters I., French at, 542 (*g*), 626 i.
 -,, inhabitants of, oaths of allegiance taken by, 64, 527.
 -, Sabbath, drunkenness on, 626 i.
 -,, observance of, to be enforced, 808 i.
 -, settlements in, discouragement of, proposed, 507, 550.
 -, Southmead, Arnold, 164.
 -, survey of, 503.
 -,, completion of, urged, 546; *and see* Taverner, Capt.
 -, trade, fur, 751.
 -,, illegal, 626 i.
- Newfoundland, trade, illegal—*cont.*
 -,,, by New Englanders and Fishing Admirals, 626 i, 751.
 -,,, report upon, 626 i.
 -,,, seal, 751.
 -,,, with Great Britain, 626 i.
 -,,, with France, 798.
 -,,, with Italy, 626 i, 751, 758 i, 798.
 -,,, with L.I., 798.
 -,,, with New England, objections to, 550.
 -,,, prohibition of, proposed, 626 i.
 -,,, with Portugal, 626 i, 798.
 -,,, with Spain, 626 i, 798.
 -,,, with West Indies, 626 i.
 -, Trepassy, guardship for, 394.
 - NEW HAMPSHIRE; *and see* New England.
 -, Act, *against high treason*, repeal of, 627, 674.
 -,,, report upon, 615.
 -,,, *for making lands and tenements liable to the payment of debts*, objections to, 607.
 -,,, *for the relief of idiots*, objections to, 615.
 -,,, referred, 599.
 -,,, report upon, 615, 627.
 -,,, repeal of, 627, 674.
 -,,, *providing for posthumous children*, referred, 599.
 -,,, repeal of, 627, 674.
 -,,, report upon, 615, 627.
 -, Acts affecting trade and shipping of Great Britain only to be passed with suspensory clause, 90 i, 111, 142.
 -, Agent for. *See* Dummer, Jer.
 -,, Commission of, required, 771.
 -, Allen's title to, surrender of, proposed, 810 i.
 -, coins, currency in, paper, depreciation of, 193.
 -, Council and Assembly, Minutes of, 458 ii.
 -, Councillors, death of, 283.
 -,, persons recommended for, 429, 700.
 -,, vacancies for, 283.
 -, Customs, Collector of. *See* Armstrong, Robert.
 -, Exeter, 283.
 -, exports, accounts of, 193, 700.
 -, forts, repair of, needed, 193.
 -, French advance, not threatening, 700.
 -,, at Cape Breton, danger from, 700.

New Hampshire—*cont.*

-, Governor of. *See* Shute, Samuel.
-, salary of, 700.
-, imports, accounts of, 700, 810 II.
-, excess over exports, 193.
-, Indians, Eastern, treaty with, 193.
-, war with, cost of, 193.
-, inhabitants capable of bearing arms, 193.
-, increase of, method proposed for, 193.
-, labour in, scarcity of, 193.
-, lands in, grants of, method of, 700.
-, Lt. Governor of. *See* Wentworth, John; Vaughan, George.
-, salary of, 700.
-, Council and Assembly, complaint by, against Mr. Bridger, 428.
-, lumber, duty to be taken off, proposal for, 193.
-, exported, account of, 796.
-, Maine, annexation of, proposed, 616.
-, Militia, list of, 575, 575 III.
-, Mines, royalties on, 700.
-, naval stores, encouragement of, recommended, 193.
-, supplied to Spain by, 806 I, 810, 810 III.
-, pirates, commissions for trying, 405; *and see* Plantations, Governors of.
-, ship taken by, 797 IV.
-, powder, account, 700, 700 VIII.
-, proclamation in, 193.
-, purchase of, by Crown, proposed, 810 I.
-, quit-rents, not reserved, 700.
-, Revenue, accounts of, 193, 700, 700 V, VI.
-, auditing of, 193.
-, required, 419.
-, seal, new, for, 127.
-, warrant for using, 127, 135, 142.
-, smuggling in, repressed, 307.
-, stores of war in, account of, 193, 193 III.
-, trade of, 810 II.
-, trade, with Barbados, 796.
-, Leeward Islands, 796.
-, French, proclamation prohibiting, 193.
-, with Madeira and Western Islands, return of, required, 419.
-, with Portugal, accounts of, 810, 810 II.
-, objection to, 796, 810.

New Hampshire, trade—*cont.*

-, with Spain, complaint concerning, 796, 806 I, 810, 810 III.
-, Treasurer of. *See* Penhallow, Samuel.
-, woods in, charges against Mr. Bridger concerning, 428, 458 II.
-, title of Crown, enquiry concerning, 711, 726.
-, denied, 283.
-, waste of, 672, 735, 812.
-, promoted by Lt. Gov. Vaughan, 283.
- NEW JERSEY, Act, *allowing the solemn affirmation of Quakers etc.*, confirmed, 378, 454.
-, petition against, 445 I.
-, referred, 445, 558.
-, signatories to, criticised, 445 II.
-, referred, 253.
-, report upon, 267, 326, 344, 558.
-, *for ascertaining place of sitting of Assembly*, Act repealing, confirmed, 378, 454.
-, referred, 243.
-, report upon, 248, 254, 344.
-, *for enforcing ordinance for establishing fees*, referred, 764.
-, report upon, 253, 267, 786.
-, protest against, 284.
-, promise to repeal, not fulfilled, 284.
-, *to lay a duty on wheat exported out of the Eastern division*, referred, 253.
-, report upon, 267.
-, *to naturalize Jacob Arents*, referred, 785.
-, *for recording deeds etc.*, referred, 764.
-, report upon, 786.
-, *for shortening of law suits*, referred, 764.
-, *report upon*, 786.
-, Act of Parliament opposed by, 373 III, IV.
-, Acts, affecting trade and shipping of Great Britain, not to be passed without suspensory clause, 90 I, 111, 142.
-, book of, 253.
-, passed by Lt. Gov. Ingoldsby, question of validity of, 344, 600.
-, Agent for, need of, 344, 634.

New Jersey—*cont.*

-, Assembly, Address of, to Governor, 520 III.
-,, adjourned, 738.
-,, dissolved, 284.
-,, Governor's message to, 520 I.
-,, speech to, 520 II.
-,, Journal of, 739.
-,, meeting of, 194; *and see Act to ascertain place of.*
-,, patent offices, objection to, 284.
-,, promise to repeal Act reducing Secretary's fees, not kept by, 284.
-,, prorogued, 520, 520 III.
-,, revenue promised by, 520.
-,, warrants for members to attend, 373 IV.
-, Auditor wanting, 650.
-, boundary, with N.Y., 516, 518.
-, Cape May, Minister at, 373 II.
-, condition of, quiet, 223, 520, 738.
-, Council of, Minutes of, 739.
-, Councilors of, 12, 194, 629, 739.
-,, alteration in, requested, 613.
-,, appointed, 234, 344, 346-348, 520, 601.
-,, appointment of, confusion in, 634.
-,, death of, 112, 194.
-,, leave of absence to be notified to Board of Trade, 634.
-,, persons recommended for, 112, 194, 219, 597, 601, 739.
-,, removal of, good effect of, 568.
-,, resident in New York, 194.
-,, warrants for, fees for, 344.
-, Cox and party, 317.
-,, complaints against, 194, 373, 375, 376.
-,, letters, seditious, of, 373, 373 I-IV.
-,,, referred, 375, 376.
-,, petition of, hearing of, account of, 373 III.
-,,, referred, 373 III.
-,, seditious practices of, 194, 373.
-,,, measures to check, urged, 194.
-, fees in. *See Act concerning.*
-, Governor of. *See Hunter, Robert.*

New Jersey—*cont.*

-, inhabitants and traders of, petition of, against Quaker Act, 445 I.
 -,,, criticism of signatories to, 445 II.
 -,,, referred, 445.
 -,,, reply to, approved, 344.
 -, Naval Officers, accounts of, 600.
 -, Patent Offices in, objection to, 284.
 -, Perth Amboy, 373 IV.
 -, pirates, commissions for trying, 405; *and see Plantations, Governors of.*
 -, Quakers in, 101, 194, 373 III; *and see Act allowing affirmation of.*
 -, Receiver General. *See Gordon, Thomas.*
 -, Revenue, accounts of, 650, 651.
 -,, method of, 650.
 -,, settlement of, promised, 520.
 -, seal, new, for, 127, 601, 613.
 -,,, warrant for using, 127, 135, 142.
 -, Secretary of. *See Smith, James; Basse, Jeremiah.*
 -,, fees of. *See Act concerning.*
 -, taxes, refusal to pay, 373 II.
 -, trade with Madeira and Western Islands, accounts of, 600.
 -, trade and shipping. *See Acts affecting.*
 -, West, Quakers in, 101.
 -, West, union with Pennsylvania proposed, 101.
- NEW YORK.
-, Act, to enable William Anderson to sell a lot of land in Queen Street, confirmed, 172.
 -,,, referred, 71.
 -,,, report upon, 95, 161.
 -,, for granting a supply to H.M. *See Act, Revenue.*
 -,, laying duty on dry goods imported from Europe, recommended by Gov. Hunter, 738.
 -,, laying duty on negroes imported, defence of, 600, 602.
 -,, for levying several duties (1714), referred, 199.
 -,,, report upon, 292.
 -,, for naturalization, alterations in, draft of, required, 401, 708.
 -,,, confirmation of, requested, 385.
 -,,, report upon, 294.

New York, Act—*cont.*

-, to *oblige all vessels to pay duty*, complaint concerning, 402, 662, 676.
-, Act amending, proposed, 402, 676.
-, enquiry concerning, 402 I.
-, petition against, 662.
-, referred, 199.
-, report upon, 292.
-, for *payment of remainder of public debts*, 194, 578 I.
-, copy of, required, 528.
-, defence of, by Governor Hunter, 236, 317, 724 I, 738.
-, Address of Grand Jury against, 516, 516 I.
-, proceedings upon, 516, 516 I.
-, reply to, 738, 738 I, IV, V.
-, objections to, 236, 500, 516, 516 I, 517, 518, 663, 663 I, 738, 738 II.
-, signatures to, how obtained, 738 II.
-, reply to, 518, 519, 663, 738, 738 I, V.
-, reasons for, 236.
-, observations by Governor on, required, 500.
-, opposition to, 194, 650, 721 I.
-, character of, 236, 738, 738 I, II, V.
-, petition, caveat, against, 492, 499 I, 516.
-, reply to, awaited, 633.
-, proceedings of Assembly on, printing of, omitted, 499 I.
-, referred, 499, 577.
-, repeal of, money sent home to procure, 724 I.
-, report upon, 663.
-, petition for, 707.
-, for *preventing multiplicity of lawsuits*, confirmation of, 377.
-, recommended, 293, 333.
-, *Revenue*, Act amending, 402, 676, 718.
-, defence of, 718, 718 I.
-, enquiry concerning, 402 I.

New York, Act, *Revenue*—*cont.*

-, objections to, 402, 662, 675, 576.
-, reply to, 600, 602.
-, referred, 199.
-, report upon, 292.
-, for *the better settlement of lands*, referred, 374.
-, report upon, 436.
-, new, proposed, 500.
-, for *shortening lawsuits*, repeal of, acceptable, 600.
-, proposed, 709.
-, objections to, 293, 402.
-, new, proposed, 402.
-, report upon, 293, 709.
-, Acts, 317, 317 XIII, 518, 518 I, 554, 633.
-, affecting trade and shipping of Great Britain, only to be passed with suspensory clause, 90 I, 111, 142, 600.
-, defence of, 600, 602.
-, Governor's comments on, required, 402.
-, for payment of public debts, and issue of money bills, opposition to, 650.
-, printing of, 199, 715, 728, 734.
-, transmission of, 739.
-, delayed, 675.
-, Agent of, 738; and *see* Philips, A.
-, complaint concerning, 603, 603 I, II.
-, salary of, provision for, 518.
-, aid for Bahamas solicited, 737.
-, Albany, conference with Indians at, 675.
-, Assembly of, 317 XII, 406, 554.
-, accounts of revenue approved by, 126.
-, Address by, 126, 317, 317 XI, 376, 603 III, 738 IV-VI, 718, 718 I, 738 IV-VI.
-, adjourned, 600.
-, Clerk of. *See* Ludlow, Gabriel.
-, disposition of, 600.
-, Grand Jury reprimanded by, for Address, 650.
-, Journal of, 603 III, 738, 739.
-, extract from, 112.

New York, Assembly of—*cont.*

-, meeting of, 194, 675.
-, proceedings of, not printed, 499 I, 516, 738 I, II.
-, reply to complaints against Governor *etc.*, 112, 112 I, 317, 317 XI.
-, representation in, unequal, complaint concerning, 603, 603 I, II.
-, reply to, 603 I.
-, Speaker of, 516; *and see* Nicoll, W.; Livingston, R.
-, taxation by, 126.
-, Attorney General, 603 III; *and see* Jamison, David.
-, report by, 317, 317 XIV.
-, Auditor, Deputy. *See* Clarke.
-, boundary line, N.J., provision for running, 516, 518.
-, Chief Justice, order by, 49.
-, coins and currency, Act ascertaining rates of foreign, observance of, required, 402.
-, Proclamation for, small effect of, 600.
-, petition against, 650, 650 III.
-, rate of, 600.
-, paper, issue of, Act for, 99; *and see* Act for *payment of debts*.
-, objections to, 317, 516, 516 I, 650, 663, 663 I.
-, reply to, 317, 518, 519, 650.
-, Agent for, 650.
-, effect of, good, on trade, 317, 650.
-, credit of, 236, 650, 663, 724 I, 738.
-, silver, 600, 650, 650 III.
-, condition of, quiet, 223, 603.
-, Council of, 126.
-, Minutes of, 317, 317 XII, 518, 554, 603 III, 633, 724 II, 738, 738 IV, 739.
-, objections in, to bill for paying public debts *etc.*, 236.
-, order by, 603.
-, quorum, difficulty of obtaining, 112.
-, Council and Assembly, Address by, in defence of Hunter, 603 III.
-, reply by, to Mr. Mulford's complaints, 317, 317 XI.
-, lost, 373, 376.
-, representation of, 724 II, III.
-, Councillors, 739.

New York, Councillors—*cont.*

-, dismissal of, effect of, 568, 588.
-, dormant commission for, proposed by Governor Hunter, 228.
-, leave of absence to be notified to Board of Trade, 633, 634.
-, persons recommended for, 112, 227, 402.
-, supernumerary, required by Hunter, 112.
-, Court of Chancery, complaint against powers of, 603, 603 I, II.
-, reply to, 603 III.
-, quit-rents recovered in, 317.
-, Courts, juries unwilling to find for Crown, 317.
-, credit of, improved, 650, 738; *and see* coins and currency.
-, Custom House, repair of, provision for, 518.
-, duties on English ships, complaint concerning, 662, 676.
-, Excise, anticipation of, objection to, 516.
-, reply to, 518.
-, exports, account of, 236, 554.
-, forts, bill drawn for building of, not paid, 402.
-, accounts for, required, 402.
-, frontiers and garrisons, extension of, advocated by Gov. Hunter, 600.
-, Government of, support of, payments for. *See* Act for *payment of public debts*.
-, Governor of. *See* Hunter, Robert; Cornbury, Lord; Bellomont, Lord.
-, Governor and Council, memorial by, 738 I.
-, order by (1682), 177 I.
-, Governor, Council and Assembly of, Address of, against Act ascertaining rates of coins *etc.*, 650, 650 III.
-, payments to, *v.* Act for *paying debts etc.*
-, Grand Jury, address of, against bill for *payment of public debts*, 516, 516 I, 650.
-, reply to, 738, 738 I, IV, V.
-, presented to King, 113.
-, signatories of, reprimanded, 650.
-, brought to bar of the House, 516, 516 I, 650.

New York—*cont.*

-, Hudson's River, Palatines settled on, 600; *and see* German Protestant Refugees.
-, imports, account of, 236, 554.
-, from Madeira and the Western Islands, 618, 618 i.
-, Independent Companies at, Chaplain of, 84.
-, Indians, Commissioners for Indian Affairs, report of, 578 i.
-, Conference of Governors concerning, 59. *And see* Indians, Five Nations.
-, Jacobite party in, 49, 603 iii.
-, lands in, grants of, account of, 650; *and see* Act for better settlement of.
-, by Govr. Hunter, 650, 653 i.
-, by Lt. Gov. Ingoldsby, 650.
-, to Capt. Evans, resumed, 650.
-, extension of frontiers needed for, 650.
-, method of, 600.
-, land tax not practicable, 600, 602.
-, Long Island (Nassau), 177 i, 317.
-, Address from, 603, 603 ii.
-, signatures to, how obtained, 603.
-, suppressed, 603.
-, petition from, 603 i.
-, loyalty of, 650.
-, Mayor of, ship of, captured by Spaniards, 738 v.
-, restitution demanded, 738 v; *and see* Johnston, John.
-, Merchants of London trading to, petition of. *See* Act for payment of public debts.
-, Minnesincks, 516.
-, Mulford, Samuel, case of. *See* Mulford, S.
-, Naturalization. *See* Act, for naturalisation.
-, Naval Officer's accounts, 12, 600, 738, 739.
-, naval stores, regulation of quality of, 738.
-, tar, failure of, 402; *and see* German Protestant Refugees.
-, negroes. *See* Act laying duty on.
-, Orange County claimed for, 516.
-, Palatines. *See* German Protestant Refugees.

New York—*cont.*

-, Pirates, trial of, commissions for, 91, 402, 405.
-, renewal of, requested, 518; *and see* Plantations, Governors of.
-, captured, 518.
-, danger from, 553.
-, pardon of, proclamation for, 518.
-, effect of, small, 553.
-, surrenders upon, 518.
-, pardoned, revert to piracy, 738.
-, ship taken by, 797, 797 vi.
-, post, from Boston, 317, 650.
-, Queen Street, 71.
-, quit-rents, 650.
-, arrears of, collected, 317, 603 iii.
-, juries unwilling to find for Crown, 317.
-, loss of, feared, 516.
-, prosecuted in Court of Chancery, 317, 603 iii.
-, Receiver General, 603 iii.
-, complaint by, 317.
-, Records, Office of, 177 i.
-, Revenue, accounts of, 126, 650, 650 ii, 724 i.
-, audit of, dispute concerning, 650.
-, method of, 650.
-, Act, complaint concerning, 662, 675, 676.
-, Act amending, 676, 718.
-, defence of, 718, 718 i.
-, anticipation of, objection to, 516, 516 i.
-, expenditure of, approved by Assembly, 126.
-, measures for, 600.
-, defence of, 600, 602.
-, misapplication of, denied, by Assembly, 317 xi.
-, settlement of, opposition to, 126, 317, 650; *and see* Mulford, S.
-, Richmond County, claimed for, 516.
-, seal, new, for, 127, 601.
-, warrant for using, 127, 135, 142.
-, old, broken, 601.
-, Secretary's office, repair of, provision for, 518.
-, shipping, increase of, 236, 650.

New York—*cont.*

-, H.M. ships at, 807.
-, Spaniards, ship seized by, 737 iv, v, 738, 738 v, vi.
-,,, reparation demanded, 738 v.
-, Suffolk County, petition from, 603 i.
-,, address from, apology for, 603 i.
-, taxation, unequal, complaint concerning, 603, 603 i, ii.
-,,,, reply to, 603 iii.
-, Three Lower Counties, grants of land in, 177 i.
-, trade, duties on, 552.
-,, increase of, 236, 602, 650, 724 i, 738.
-,, with foreign Plantations in British bottoms, instruction for discouraging, 739.
-,, French Plantations, proclamation forbidding, 317.
-,,,, difficulty of preventing, 317.
-,, with Madeira and the Western Islands, 618, 618 i.
-,,, accounts of, 600.
-,, with W.I., 738 v.
-, trade and shipping, Acts affecting, instruction concerning, 90 i, 111, 142, 600.
-, Treasurer, 516.
-,, dispute of, with auditor, 650.
-, West Jersey, disagreements with, 101.
-, whale fishery, decrease of, 50, 317.
-,,, due to Governor's claim for royalties, 50.
-,, licences for, 317, 317 i-xi.
-,,, history of, 317; *and see* Mulford, S.
-,,, opinion of Attorney General on, 317, 317 x, 478, 738.
-,,, a perquisite of the Governor, 600.
-,,,, not found in Commission, enquiry concerning, 402.
-,,,, value of, 600.
-,,,, disputed by Mulford, *etc.*, 600, 603, 603 i.
-,,,, case concerning, decision in, 600.
-,,,,, referred, 468.
- Niccolls, Lt. Gov., 177 i.
- Nicholas, George, Act to dock an entail concerning (Barbados), 52.
- Nicholls, Edward, grant of escheated estate to (Jam.), 123, 124.
-,,,, restitution of, petition for, 97 i.
-,,,, referred, 97.
-,,,, report upon, 152.
-, Martin, deposition of, 134 i.
- Nichols, Thomas, pirate, surrender of, 345 ii.
- Nicholson, General Francis, Governor of Nova Scotia, complaint against, 635 i.
-,, Commission and Instructions of, 433.
-,, reference to, 397.
- Nicoll, William, Speaker of Assembly, N.Y., document signed by, 126, 317 xi.
- Nisbitte, James, document signed by, 411, 412.
- Nivine, William, Agent for Leeward Islands, document signed by, 200.
-,, letter, petition, from, 538, 547, 649.
- Nixon, Josiah, certificate by, 10 v.
- Norris, Sir John, report by, 798.
-, William, Naval Officer, Jam., patent of, revoked, 680.
- North, Edward, Capt., 551 i.
-,, deposition of, 551 ii.
-,, maltreated by pirates, 551 ii.
-, Francis, Baron Guildford, guardian of Lord Baltimore, Lord Proprietor of Maryland, letter from, 417.
-,, letter to, 417 i, 804.
-, Nathaniel, deposition of, 551 vii.
- Northey, Sir Edward, Attorney General, 513.
-,, complaint by Council of Trade concerning, 237.
-,, letter, opinion, from, 117, 117 i, 158, 186, 201, 211, 250, 251, 259, 266, 273, 275, 281, 292-294, 297, 317, 317 x, 320 i, 327, 334, 390, 398, 402, 408, 410, 418, 435-437, 459, 493, 500, 514, 527, 532, 656, 708, 800.
-,, letter, reference to, 9, 155, 166, 187, 199, 213, 216, 220, 221, 229, 232, 249, 263, 265, 300, 342, 374, 375, 388, 401, 420, 424, 432, 451, 475, 657.
-,, opinion on L.I., Acts repudiated by, 237.
- Norway, timber prices, 819.
- Nostra Signora de Belem. See Nuestra Senora de Belem.*
- Nott, Edward, late Governor of Virginia, 406.

- NOVA SCOTIA, Annapolis Royal, Collector at, seizures by, dispute concerning, 351.
,, fort almost demolished, 391 II.
,, fortifications of, proposals for repair of, 507, 550, 612, 612 I.
,, materials ordered for, 645.
,, garrison, chaplain of, 392 II.
,, clothing needed for, 550.
,, neglected condition of, 550.
,, report upon, 550.
,, Commissary of, 37, 523.
,, loyal address from, 340 I.
,, muster-roll of, 392 II.
,, mutiny threatened, 392 II.
,, reinforcement of, from Placentia suggested, 507.
,, sickness of, 392 II.
,, subsistence of, 165 I.
,, accounts of, 276, 569.
,,,, unpaid, 392 II.
,, inhabitants and merchants, address by, 351, 351 III.
,, Lt. Governor of. *See* Doucett, John.
,, reports upon, 285.
,, trade of, improvement of, 351 III.
,, boundary of, 543, 635 I.
,, map of, 789.
,, settlement of, need of, 392 I.
,, appointment of Commissioners for, urged, 507, 550.
,, passport relating to, 434.
,, British River, fort on, proposed, 550.
,, Canso (Cançeau, Cancer), Cape of, 351 I.
,, Fishery, French ships seized by H.M.S. *Squirrel*, 782, 782 I, II.
,, increase of, 782 II.
,, Fort St. Louis, capture of, 351 I.
,, garrison expected, 782 II.
,, French claim to, 635 I.
,, settlement on, 565 IV, 635 I.
,, Indians, 782 II.
- Nova Scotia, Canso—*cont.*
,, Gut of, 351.
,, fort on, proposed, 550.
,, Chedabucto (Chebuctori) petition for grant of lands near, 3, 3 I, II.
,, deserters from Cape Breton, return of, requested, 635 I.
,, engineer for surveying, proposed, 550.
,, fishery, French encroachments on, 351 I, 352, 392 I, 550, 575, 635 I.
,, protest against, 565 IV, 575; *and see* Shute, S.; Canso.
,, French inhabitants employed in, 351, 351 II.
,, ships seized at, 782, 782 I, II.
,, proposals for developing, 550.
,, regulations for, proposed, 550.
,, representation concerning, 432.
,, reservations for curing, urged, 392 I.
,, rights reserved in grants of land, enquiry concerning, 790.
,, value of, 392 I, 550.
,, French encroachments on, 550; *and see* N.S., Canso; Fishery.
,, measures to prevent, 352, 550.
,, French inhabitants of, agreement made by, 565, 565 IV.
,, not fulfilled, complaint concerning, 635 I.
,, allegiance of, means of securing, proposed, 507, 550.
,, oath of, refusal of, 185 II, 351 I, 371 IV, 392 I, II, 550, 565.
,,,, advised by Vaudreuil, 789, 789 I, III, IV.
,,,, required from, 185, 185 I, 351, 371 I, II, 565 I, IV, V.
,,,, reply to, 371 IV.
,, claim to withdraw with moveable effects, 789 I, III.
,, claim to St. John R., 789, 789 I, III, IV.
,, employment of, in fishery, request for, 351 II.
,,,, granted, 351.
,,,, Indians, dread of, alleged, 185, 185 II, 550.
,,,, intrigues with, 565, 565 IV, 789 I.
,,,, treatment of, 185.

Nova Scotia, French inhabitants of—
cont.

-, influence of priests over, 185.
-, letter to, 351, 565 I.
-, at Minis, 565.
-, letter from, 371 IV.
-, letter to, 351.
-, oath of allegiance required from, 371 I, II.
-, numbers of, 550.
-, removal of, intended, 185.
-, with moveable goods, claimed by, 789 I, III.
-, return of, from Cape Breton, 565.
-, rumour of Pretender's success, 185.
-, treatment of, proposals for, 550.
-, Vaudreuil's secret instructions to, 789, 789 I, III, IV.
-, Governor of. *See* Phillips, Richard; and Nicholson, F.
-, guardships for, request for, 351, 352, 550, 619, 789.
-, Indians, 371 IV, 782 II.
-, at Canso, Governor of Cape Breton and, 635 I.
-, country claimed by, 565.
-, fear of, 185, 185 II, 392 I, 550.
-, French intrigues with, 565, 565 IV, 789 I.
-, at Minis *etc.*, 371 IV, 789 I.
-, murders by, alleged, 185 II.
-, presents for, proposed, 371, 392 I, 507, 550, 565, 789.
-, trade with French, 371.
-, inhabitants of Newfoundland to move to, proposed, 550, 798.
-, Jenny's Streight, fort at, proposed, 550.
-, Jesuit missionaries, intrigues of, 789 I, IV.
-, orders restraining, requested, 565 V.
-, La Hanne, 371 III.
-, lands in, grant of, petition for, 3 I, II.
-, referred, 3; *and see* Cairnes, Sir A.
-, grant of, by Crown, 23 I.
-, referred, 23.
-, terms of, proposed, 23 I, 105, 106, 392 I, 550.
-, lands between Maine and, claims of Mass. Bay *etc.*, to, objection to, 383 I, III.
-, opinion on, 383, 511, 543.
-, reply to, 268, 383 II.

Nova Scotia, lands between Maine and, claims of Mass. Bay *etc.*, to
—*cont.*

-, report upon, 241, 242, 268.
 -, referred back, 308.
 -, claim of Crown to, 396, 397.
 -, petition for grants of, 396, 397, 458 I.
 -, report upon, 543.
 -, proposal for division by Mass. Bay, 483 I.
 -, report upon, 543.
 -, Maganshish, sloop cast ashore at, care of, recommended to French priest, 371 I-III.
 -, Naval Stores in, 550.
 -, survey of, proposed, 550.
 -, neglect of, complaint concerning, 789.
 -, pirates, commissions for trying, 405; *and see* Plantations, Governors of.
 -, Port Royal, capture of, 433.
 -, representation on, referred, 604, 605.
 -, report upon, by Board of Ordnance, 612.
 -, St. Croix, River, 177 I.
 -, boundary, 543.
 -, lands between, and Kenebec R. *See* Nova Scotia, lands between.
 -, St. John R., 789.
 -, claim to, by French, 789 I, III, IV.
 -, reply to, 789.
 -, settlement of, measures for encouraging, proposed, 86, 105, 392 I, 507, 550, 789; *and see* Cairnes, Sir A.
 -, smuggling, complaint of, 351, 351 III, 352.
 -, trade, fur, 550.
 -, French monopoly of, 371, 392 I.
 -, growth of, 351 III.
 -, illegal, 351 III.
 -, with Indians, 371.
 -, White Head, 351 I.
 -, woods in, survey of, proposed, 619.
- Nuestra Senora de Belem (Bethlehem), (Kensington sloop), bills of lading of, 310 II.*
-, capture of, case of, 13, 225.
 -, cargo, value of, 252 VII, VIII.
 -, commission for rehearing trial of, 323.
 -, condemnation of, 252 III.
 -, appeal from, 252 IV, V, 350.

Nuestra Senora de Belem—cont.

-, petition concerning, 4 I, II,
310 I, 482, 541.
.....,, referred, 4.
.....,, report upon, 350.
.....,, copy of, refused,
482.
.....,,, request for,
310.
.....,,, proofs required,
239, 246.
.....,,, submitted,
252, 252 I-VIII.

O

- Oekold, Thomas, Lt., commission of,
278.
Oesterman, Thomas, document signed
by, 413.
Officers and soldiers, disbanded, peti-
tion of, for lands between Nova
Scotia and Maine, report upon,
543.
Oliver, Richard, Councillor, Antigua,
358, 661.
.....,, document signed by,
413.
Ordnance, Board of, 193, 550, 681.
.....,, letter, report by, 550,
612.
.....,, letter to, 605, 645.
Orford, Earl of. *See* Russell, E.
Orgill, John, petition of, 65 II.
Orkney, Earl of. *See* Hamilton,
George, Earl of Orkney.
Orleans, Duc de, order by, 591 II.
Ormonde, Duke of. *See* Butler, James.
Orton, John, grant of, continued, 574.
.....,,, petition for, 30,
30 I.
Osborn, Henry, document signed by,
413.
....., Humphrey, document signed
by, 411, 412.
Ottley, —, St. Kitts, 134 I, 526 I.

P

- Page, Col., Va., 588 I.
....., Samuel, Secretary of Jamaica,
affidavits procured by, 117.
.....,, character of, 169.
.....,, charges against, 109
I-IV,

Page, Samuel—*cont.*

-,, charges by, against
Lord A. Hamilton, 135 IV.
.....,,, reply to, 131,
131 I-III, V.
.....,, departure of, without
leave, 218 I, 232.
.....,, re-payment of profits
to, ordered, 218 I.
.....,,, appeal against,
218 I.
.....,, deposition of, 169.
.....,,, contradicted, 117,
131 V.
.....,, deputy appointed by,
109 II.
.....,, dismissal of, from all
offices, 306, 331, 332, 365.
.....,,, urged, 139, 169,
327.
.....,, letter from, 109 II.
.....,, licence for departure,
alleged forgery of, 109 I-IV.
Paice, Joseph, document signed by,
445 I.
Painter, William, document signed
by, 192.
Palatines. *See* German Protestant
Refugees.
Panton, John, Councillor, St. Kitts,
death of, 559, 736.
.....,, widow of, plantation of,
petition concerning, 33.
Papists, Antigua. *See* Antigua, Act
to prevent increase of; and *see*
Roman Catholics.
Parke, Col. Daniel, late Governor of
the Leeward Islands, 325.
.....,, grant by, 26 II.
.....,, murder of, 359 XI,
373 IV.
.....,, plantation seized by,
60 I.
Parker, Elisha, Councillor, N.J., death
of, 12, 112, 194, 347.
....., John, recommended for
Council, N.J., 112, 194, 219.
.....,,, appointed, 234,
346, 520, 601.
....., Samuel, deposition of, 358 I.
Parkhurst, Anthony, quoted, 798.
Parrott, William, Agent for Jamaica
merchants, document signed by,
65 I.
Parry, Samuel, deposition of, 359
VII.
.....,, interrogations by, 359
XI.
.....,, document signed by,
413.
Parson, Edward, plantation of, peti-
tion concerning, 30, 30 I.
Parsons, Edward, Councillor, Mont-
serrat, 797.
....., John, certificate by, 43 II.

- Partridge, Col. William, claim of, to lands between Nova Scotia and Maine, 261.
 , , reply to, 261 ;
and see Nova Scotia, lands between.
- Passenger, W. Capt., R.N., Commodore of Newfoundland Convoy, letter, report by, 115, 164, 440, 626, 626 I, II, 798.
 , , order by, to New Englanders, 164 I.
 , , destroyed, 164.
- Passmaquady, 185.
- Patent Offices and Officers. *See under* Plantations, The.
- Paxotto, Isaac, petition of, 750 I.
 , , referred, 750 ;
and see Nassau, case of.
- Payne, Charles, grant of, continued, 574.
 , , petition for, 30, 30 I.
 , , proposed for Council, St. Kitts, 559.
 , Nathaniel, grant of, continued, 574.
- Pearl, H.M.S., 800.
- Pearse, Elias, document signed by, 286.
- Peers, widow, appeal of, 79, 87.
- Poirson, Theodore, document signed by, 603 I.
- Pelham-Holles, Thomas, Duke of Newcastle, book presented to, 820.
 , , recommendation by, 448.
 , , Lord Chamberlain, letter to, 300.
 , Thomas, a Lord Commissioner for Trade and Plantations, 233, 625.
- Pelissier, Stephen, grant of, continued, 574.
- Pelisson, Daniel, document signed by, 397.
- Pellet, William, letter to, 593 I, II.
- Pemberton, Roger, Speaker, Nevis, document signed by, 438, 439.
- Pena, Don Josef Rocher de la, Spanish Admiral, 10 II.
- Penhallow, Samuel, Treasurer, N.H., document signed by, 700 v, vi.
- Peniston, John, Capt., 551 II.
- Penn, William, Governor and Proprietor of Pennsylvania, Charter of, 781.
 , , by, to Philadelphia, complaint concerning, 508.
 , , grant to (1682), 177 I.
 , , lunacy of, 177 I, 586.
 , , mortgagees of, 177.
 , , memorial by, 586, 781.
- Penn, William—*cont.*
 , , surrender of Government by, 781.
 , , not signed, 508.
 , , Three Lower Counties, claim to, report upon, 177, 177 I.
 , , grants in, by, 177 I.
- Pennant, Edward, recommended for Council, Jam., 53.
 , , appointed, 144.
 , , grant of escheated estate to (Jam.), 123, 362.
 , , revoked, 97 I, 124.
 , , restitution of, petition for, 97 I.
 , , referred, 97.
 , , report upon, 152.
- PENNSYLVANIA, Act, affirmation (1715) confirmation of, urged, 781.
 , , *for such as refuse to take the solemn affirmation used in Great Britain*, explanation of, 781.
 , , *amending criminal law*, 727.
 , , *for assigning of bonds etc.*, explanation of, 781.
 , , *for better determining of debts under 40s. etc.*, 781.
 , , *concerning licences*, 586.
 , , *for continuing a friendly correspondence with the Indians*, 781.
 , , *for erecting a Supreme or Provincial Court*, 781.
 , , *laying a duty on negroes imported*, revised, 781.
 , , *laying a duty on wine etc. imported*, 781.
 , , *empowering religious societies to buy lands etc.*, explanation of, 781.
 , , *for raising £2000 etc.*, 197.
 , , *for raising a supply etc.*, 781.
 , , *for regulating and establishing fees*, repealed, 781.
 , , new, 781.
 , , *for recording deeds etc.*, new, confirmation of, desired, 781.
 , , *for recovery of fines etc.*, explanation of, 781.
 , , objection to, 781.
 , , *for settling Court of Common Pleas etc.*, 781.
 , Acts, abstract of, 781 I.
 , , anonymous complaint concerning, 506, 508.
 , , reply to, 586,

Pennsylvania, Acts—*cont.*

-, laying duties on imports *etc.*, account of, 552.
-, observations on, 781.
-, permitting affirmation of Quakers, repealed, 506.
-, re-enacted, 506, 781.
-, not submitted for assent of Crown, 506.
-, submission of, request for, 772, 784.
-, Assembly of, 586.
-, speech of Lt. Governor to, 101 II.
-, reply to, 101 II.
-, Cannistogo, Conference with Indians held at, 101 I.
-, coins, currency, paper, Act for issuing, 781.
-, Council, Minutes of, 101 I, 197.
-, Court of Common Pleas, Act for settling, 781.
-, Supreme, Act erecting, 781.
-, Courts, Two weeks, Act abolishing, 781.
-, Customs, Collector of, order to, 227, 227 I.
-, Delaware, R., islands in, claims to, report upon, 177 I.
-, grants of land in, by Governor of New York *etc.*, 177 I.
-, by Penn, 177 I.
-, to Bristol Co., 177 I.
-, naval stores in, 177 I.
-, Three Lower Counties, claims to, report upon, 177, 177 I.
-, fines, appropriated, 586.
-, French advance on Mississippi, *etc.*, report upon, required, 450.
-, German Protestant Refugees for, as indentured servants, 76.
-, Governor and Proprietor of. *See* Penn, William.
-, hemp, planting of, by Bristol Co., 177 I.
-, Indians, 450.
-, Act for *continuing a friendly correspondence with*, 781.
-, Conference concerning, 59, 406.
-, with, 101 I.
-, outrages by, unknown, 781.
-, trade with, Act regulating, 781.
-, honest, good effect of, 781.

Pennsylvania, Indians—*cont.*

-, treaty with Virginia, proposed, 101 I.
-, rejected by Lt. Gov. Keith, 101 I.
-, iron in, 101.
-, manufacture of, 101.
-, encouragement of, proposed, 101.
-, licences, act concerning, explained, 586.
-, Lt. Governor, present to, 197; *and see* Keith, W.
-, Naval Officer, order to, 227, 227 I.
-, Newcastle, 177 I.
-, Philadelphia, charter of, complaint concerning, 508.
-, conference of Governors concerning Indian affairs at, 59, 406.
-, post to Williamsburgh established, 568.
-, Rolls Office, 177 I.
-, sloop of, 10 VI.
-, two weeks Courts at, Act abolishing, 781.
-, pirates, commissions for trying, 405; *and see* Plantations, Governors of.
-, from, arrest of, 10 VI.
-, post, established, 568.
-, Quakers, loyalty of, 781; *and see* Act for affirmation.
-, resumption of, to Crown, proposed, 101.
-, Spaniards, ship seized by, 737, 737 VII, VIII.
-, trade, duties on, 552.
-, with French, prohibition of, orders for, 227, 227 I.
-, with Indians, 781.
-, with Madeira, enquiry concerning, 450.
-, with Western Islands, enquiry concerning, 450.
-, union with West Jersey proposed, 101.
- Pencbscot, R., lands adjoining. *See* Nova Scotia, lands between.
- Penrice, Sir Henry, Judge of the Admiralty, letter from, 655, 658, 659, 669 II.
-, letter to, 656, 669 I.
- Pensacola, trade with, 660.
- Penzance*, sloop, captured by pirates, 551 X.
- Perrie, —, Surveyor General of Customs, Barbados and L.I., 277.
- Perry, Edward, Naval Officer, L.I., death of, 822.
-, John, letter from, 146.
-, Micajah, letter from, 30, 146, 173, 689.
-, letter to, 150.

Perry, Micajah—*cont.*

-,, plantation of, St. Kitts, proposal to purchase, 83, 156.
-, Richard, letter from, 173.
- Peyster, A. D. *See* Do Peyster.
- Phillips, Ambrose, Agent for New York, 317, 633.
-,, Commission of, required, 771.
-,, documents received from, 113, 126.
-,, letter from, 228, 235, 344, 373, 385, 464, 507, 554, 578, 602, 663, 670, 724.
-,,, referred, 375.
-,, letter to, 517, 554, 600, 602, 603, 724 I.
- Phillip, John, case of, 298 x, 526 I.
-,, letter from, 494, 494 I.
- Phillips, Col. Richard, Governor of Nova Scotia and Placentia, 351 II, 645.
-,, arrival of, expected, 782 II.
-,, attendance of, at Board of Trade, 464.
-,, departure of, 619.
-,, Commissions and Instructions of, 19, 550.
-,, letter to, 392 II, 789.
-,, Memorial by, 392 I, 550 I.
-,, report upon, 550.
-, Mrs., present to, 789.
- Philo Patria*, letter from, 34.
- Phipps, Francis, Councillor, St. Kitts, 797.
-,, certificate by, 43 II.
- Phœnix*, H.M.S., 474.
-,, threatened by pirates, 551.
- Pierce, —, Capt., R.N., 474, 556.
- Pigott, Thomas, document signed by, 411, 412.
- Pinkerton, Capt. Robert, settlement by, on Crab I., protest against, 593 I, II (b), III.
- Pinkethman, Capt., commission of, 298 III.
- Pinney, Azariah, document signed by, 438, 439.
-, John, document signed by, 438, 439.
-,, deposition of, 134 VIII.
- Piracies, against Spaniards, instructions concerning, 361.
- Pirates, 104 I; *and see* Brown, T.; Bonnet; Coudon; England; Hornigold; Jennings, H; Leslei; Nichols, T.; Richards; Rounsivell; Thatch; Vane.
-, *Act for the more effectual suppression of*, continued, 215, 471, 658, 669 II.
-, activity of, renewed, 551.

Pirates—*cont.*

-, in the Bahamas, 220 I, 556, 591 II.
-,, atrocities by, 551 I–IX.
-,, attacked by Spaniards, 737.
-,, captured, 807.
-,, depredations by, 737.
-,, dislodgment of, by Governor Rogers, 737.
-,,, measures for, 64, 471.
-,, inhabitants' sympathy with, 807.
-,, numbers of, 474, 556.
-,, at Providence, 551 IV.
-,, pardon of, extension of, requested, 737.
-,, Proclamation for, 720.
-,, revert, 797.
-,, ship taken by, 737, 797, 797 VI.
-,, sent home for trial, 807.
-,, surrender of, 345, 384, 474, 487, 720, 736.
-,,, checked, 474.
-,,, effects of, question concerning, 720.
-,, instructions concerning, requested, 474.
-,, threaten H.M.S. *Phœnix*, 551.
-,, traffic with, 737.
-,,, arrest for, 737.
-,, Virginian sloop sent to investigate, 10, 10 I–VIII.
- (Barbados), capture by, 10.
-,, captured, 742.
-, barbarities practised by, 551, 551 I–IX, 797 I, II, VI.
- (Bermuda), 485.
-,, increase of, 580.
-,, pardon of, Commission for, requested, 465, 466; *and see* Plantations, Governors of.
-,,, extension of, 737.
-,, sloop captured by, 551.
-,,, retaken, 551.
-,,, surrender of, 384, 465, 466, 720.
-,,, checked, 474.
-,,, effects of, question concerning, 720.
-,, surrendered, instructions concerning, requested, 474, 551.
-,, threatened by, 551.
-, (Car.), 807.
-,, captured, 10 VI, 730, 787.
-,, depredations of, 556, 660, 677, 730, 736, 797 I.
-,, surrender, 556, 657, 800.
-,, revert to piracy, 556.

Pirates—*cont.*

-, convicts, transported, turn, 681.
-, effects of, instructions concerning, 800.
-,, piratically taken, enquiry concerning, 800.
-,, action by pirate for recovering, 800.
-, French, ship captured by, 551 II, 660, 797 II.
-,, barbarity of, 797 II.
-,, taken by English pirate, 797 II, VI.
-, Guadeloupe attacked by, 298.
-, increase of, 5, 5 I, 10, 271, 681 III.
- (Jam.), 78, 141, 591 II, 606, 643, 681.
-,, depredations of, 54, 522, 566.
-,, protection from, request for, 54.
-,,, measures for, 35.
-,, increase of, 10, 271, 681 III.
-,,, instructions concerning, 421.
-,, privateers commissioned to suppress, 131 I-V.
-,, raid by, 271.
-,, ship captured by, 271.
-,, surrender of, 357, 357 I, 447.
-, Kentish, —, 298 II.
-, Kidd, goods landed at Crab I., by, 624 I.
- (Leeward Islands), depredations of, 298, 298 I-III, 797, 797 I-VI.
-,, ships taken by, 298, 298 I-III.
-, McGill, Robert, 298 III.
- (Mass.), trials of, 193, 419, 575, 575 I.
-,,, under Governor Dudley's Commission, validity of, question concerning, 747.
- (N.Y.), danger from, 553.
-,,, captured, 518.
-,, ship taken by, 797, 797 VI.
-, papers concerning, laid before House of Commons, 400.
-,,, address for, 393, 393 I.
-, pardon of, Commissions for granting, 589, 594, 595, 614, 638-642, 683, 713, 714 I, 716 I, 720, 728, 746, 801.
-,,, request for, 390, 467.
-,, complaint concerning, 803, 813 I.

Pirates, pardon of—*cont.*

-,, enquiries concerning, 181, 187 I-IV, 327, 345, 384, 539.
-,,, reply to, 201.
-,, exception from. *See* Bridgman.
-,, extension of date for, proposal and proclamation for, 580, 640, 642, 780, 800, 803, 804, 813 I.
-,, instruction concerning, 211.
-,, Proclamation for, 1, 1 I, 9, 64, 181, 187 I-IV, 201, 327, 345, 384, 471, 539, 640, 642, 713, 803, 804, 813 I.
-,, effect of, small, 553, 575, 660; *and see* surrender of.
-,, representation concerning, 466, 485.
-, privateers, commission for seizing, 760.
-,, turn, 660.
-, rendezvous of, 797 II.
-,, at Ouacock intended, 800.
-, Rowland, —, 298 III.
-, Spaniards attacked by, 797 II.
-, supplied from St. Thomas, 797, 797 I.
-, suppression of, measures for, 64.
-, surrender, 471, 518.
-,, certificate of, 345, 345 I.
-, surrendered, revert to piracy, 556, 660, 737, 738, 800.
-, trial of, in the Plantations, Acts concerning, 91.
-,, commissions for, 91, 338, 372, 379, 402-405, 471, 483, 800, 803, 804, 807, 813 I.
-,,, despatch of, urged, 703, 713, 742.
-,,, delayed, 594.
-,,, renewal of, proposed, 91, 215, 327, 518, 737.
-,,, enquiry concerning validity of, 419, 539, 575, 575 I, 580, 656, 659, 669 I, 800, 807.
-,,,, reply to, 658, 669 II.
-, Va., 657.
-,, captured, 800.
-,, expedition against, 800.
-,, favoured by inhabitants, 800.
-,, reward offered for capture of, 800.
-,, unlawful concourse of, proclamation forbidding, 657 III.
-,,, reason for, 657.
-,, at Virgin Islands, 134.
-,, ships sent in search for, 298.

- Pitt, Thomas, Governor of Jamaica, departure of, urged, 65 II.
,, document signed by, 499 I.
- Plaisted, Samuel, deputy surveyor of H.M. woods, 616 II.
,, deposition by, 616, 616 VI (a).
- PLANTATIONS, THE, Acts, fees for, at Council Office, 421.
,, printing of, 408, 409, 715, 721, 728, 734.
,, estimate for, 469.
,, ordered, 64, 67.
,, proposed, 51.
,, sent home, Governor's remarks upon, required, 487.
, Admiralty Courts, trial of seizures of wool in, urged, 85.
, appeals from, 232, 320 I; *and see* Cockburn, William.
,, procedure in, report upon, 266.
, Assemblies, prorogation of, under adjournment, question concerning, 731.
, Auditor General of H.M. Revenues in. *See* Blathwayt, W.; Walpole, Horatio.
,, salary of, 422 II.
, barristers in. *See* Barbados, Act to empower *licentiate lawyers*.
, Commissaries in, defence of, 88.
,, powers of, 159; *and see* London, Bishop of.
, convicts sent to, unsatisfactory (Jam.), 681.
,, Act for transporting, 681.
, Councillors, leave of absence to be notified to Board of Trade, 570, 633, 634.
, defence of, scheme for united, urged, 85.
, ecclesiastical jurisdiction in, 159; *and see* London, Bishop of.
, exports and imports, Inspector General of, proposed, 330, 620 I.
, foreign, enquiries concerning, 652 I.
, French, danger from, in the West, 238, 256, 334, 344, 402, 419, 450, 600, 657.
, Governors of, circular letter to, announcing appointment of Secretary Craggs, 446.
,, Commission and Instructions for pardoning pirates, 187, 187 I-IV, 201, 211, 390, 421, 539, 580, 589, 594, 595, 614, 638-642, 683, 713, 714, 714 I., 716 I., 720, 738, 746, 780, 800, 801, 803, 804, 813 I; *and see* Pirates.
- Plantations, The, Governors of, Commissions and Instructions—*cont.*
,, for trying pirates, 91, 215, 327, 338, 372, 379, 402-405, 419, 421, 471, 483, 575, 575 I., 580, 594, 656, 658, 659, 669 I., II., 703, 713, 737, 742, 800, 803, 804, 807, 813 I; *and see* Pirates.
,, complaint against, concerning pardons to pirates, 803, 813 I.
,, control of guardships for, proposed, 144, 566, 681 III, 737, 807.
,, Instructions to, alterations in, 665.
,, concerning Acts affecting British trade and shipping, 90, 90 I., 111, 142, 144, 402, 406, 676, 722.
,, revocation of, requested by Virginian Assembly, 568, 568 IV, v.
,, concerning Acts of Trade and Navigation and trade with foreign Plantations, 633, 739.
,, concerning ecclesiastical jurisdiction, 159.
,, for maintaining quality of Naval Stores, 382, 416, 419.
,, concerning presents, 64, 257 I.
,, concerning piracies against Spaniards, 361.
,, for sending accounts of revenue, and quit-rents, 63, 128.
,, relating to War with Spain, 780, 791, 803, 804, 813 I., 814.
,, report upon French designs and settlements required from, 256, 334, 344, 402, 419, 450, 699, 723.
,, reply to, 600, 657, 699, 700, 723, 800.
,, power of pressing seamen, report upon, 215, 471.
,, printed copies of Acts for, 147.
, import duties on foreign goods, 450.
, iron in. *See* iron.
, lands in, extravagant grants of, evil of, 144, 144 I.
,, instruction to restrain, 144, 144 I.
,, grants of, return of, required, 128.
, manufactures in, 819.
, map of, 85.
, maps of, proposal for, 144.

Plantations, The—*cont.*

-, Naturalization in, Act for, 785.
-,, privileges of, 785.
-, Patent Officers in, 89, 123, 154, 210, 229, 272, 274, 284, 646, 805; *and see under separate Colonies.*
-,, appeal concerning (Jam.), 218 i.
-,, bargaining for commissions, 822.
-,, fees of (Barbados), petition concerning, 210, 229.
-,, instruction concerning, (Jam.), 144 i.
-,, objection to, 284.
-,, suspension of, instruction concerning, 144.
-, pirates in, commissions for pardoning and trying etc. *See Pirates.*
-, posts established in Virginia etc., 568.
-,, objection to, 568; *and see Mass. Bay.*
-, Proprietary and Charter Governments, Act for better regulating, clause proposed for, 823.
-,, Acts not submitted by, inconvenience of, 493.
-,, prejudicial to British trade, passed by, 493.
-,, Crown governments preferred to, 516.
-,, Crown Officers in, hostility to, 616.
-,, objections to, 493, 543.
-,, resumption of, to Crown, urged, 493, 525.
-,, weakness of, 660.
-, quit-rents in, 7 i.
-,, accounts of, required, 128.
-,, N.Y., recovered in Court of Chancery, 317, 603 iii.
-, Receiver General of. *See Blathwayt, W.*
-, Revenue, accounts of, 193.
-,, required, 128, 133.
-,, Auditor General of. *See Walpole, Horatio.*
-, seals, new, for, 127, 150, 151, 358.
-,, warrants for using, 127, 135; *and see under separate Colonies.*
-, ship building in, 85.
-,, (Mass.), 85.
-, stores of war, accounts of, (N.E.), 193, 193 i-iii.
-,, request for (Bahamas), 737 vi.
-,, (Jam.) 681, 681 vi.
-,, L.I., 171, 200, 202.

Plantations, The—*cont.*

-, sturgeon in, patent for. *See Sturgeon.*
 -, sugar etc., foreign, taxation of imported into, 227, 277; *and see Barbados; Leeward Islands.*
 -,, frauds in, prevention of, 277.
 -, Surveyor General of, proposed, 144.
 -, taxation by Parliament, right denied, 568.
 -, trade by foreign ships forbidden, 633.
 -, trade with foreign Plantations by British ships not prohibited by law, 633.
 -,, enquiry concerning, 636, 637, 692.
 -,, prohibited by Treaties, 633.
 -,, instruction for discouraging, 633, 739.
 -, trade with French and Dutch W.I., prohibition of, orders for, 193, 227, 227 i.
 -,, proposed, 534.
 -,, effects of, 534.
 -,, Spanish, 227; *and see Trade.*
 -, Trade and shipping, Act giving preference to Jamaican, objection to, 272.
 -,, instructions concerning, 272.
 -, treason, law of, in the, 615, 627.
 -, whale fishery, licences, opinion on, 478; *and see New York.*
 -, wool seized in, trial of, in Admiralty Courts urged, 85.
- Plowman, John, 262.
-, petition of, for patent for sturgeon, 222 i.
 -,, referred, 222.
 -,, report upon, 480.
- Pocheet, Dago, 692 vi-viii.
- Political State, The*, quoted, 800.
- Poole, Sir William, 798.
- Popple, William, Secretary of the Council of Trade and Plantations, letter from, 9, 58, 70-72, 94, 96, 106, 133, 147, 150, 155, 162, 171, 182, 184, 187, 199, 202, 205, 212-214, 216, 217, 221, 226, 229, 232, 239, 241, 243, 245, 249, 253, 263, 265, 282, 300, 304, 308, 317, 355, 374, 375, 381, 387, 388, 401, 407, 408, 414, 415, 418, 420, 424, 427, 429, 430, 451, 461, 463, 465, 467, 468, 473, 475, 482, 486, 488, 498, 512, 513, 531, 546, 561, 562, 564, 576, 577, 608, 610, 623, 633,

- Popple, William, letter from—*cont.*
 634, 636, 648, 656, 659, 668,
 678, 686, 706, 708, 710, 715,
 726, 731, 734, 741, 747, 755,
 764, 771, 772, 784, 785, 795.
 , letter to, 11, 12, 14, 23, 95,
 99, 107, 108, 110, 112, 115, 129,
 131, 164, 173, 177, 183, 188,
 190, 194, 195, 198, 204, 206,
 207, 223, 231, 236, 242, 244,
 246, 248, 250, 251, 261, 267,
 270, 274, 277, 280, 283, 315,
 341, 352, 373, 382, 383, 384,
 386, 394, 421, 440, 452, 457,
 458, 464, 472, 478, 481, 489,
 495, 503–506, 511, 521, 524,
 538, 544, 552, 553, 563, 567,
 578, 596, 602, 616 VII, 617, 621,
 624, 626, 655, 658, 664, 669,
 675, 682, 688, 689, 691, 698,
 705, 711, 712, 714, 716–718,
 721, 724, 728, 732, 739, 751,
 758, 759, 762, 776, 788, 806,
 812, 813.
 , present to, from Gov.
 Hamilton, 691.
 , salary of, 233, 533.
 , thanks and acknow-
 ledgments of Governor Hunter
 to, 112, 223, 236, 633, 691,
 718.
 , Mrs., 691.
 Porteous, —, proposed for Council,
 Va., 799.
 , objection to, 799.
 Porto Bello, 131 v.
 Porto Rico. *See* Puertorico.
 Port Royal. *See* Jamaica; *and* Nova
 Scotia, Annapolis Royal.
 Portugal, trade with Maryland, 289.
 , Newfoundland, 798.
 , New Hampshire, 796.
 , accounts of, 810,
 810 III.
 , objection to, 810.
 Post, establishment of, in America,
 568.
 , Act for, 568.
 , objection to,
 568.
 , in N.E., 317, 650, 735.
 Post Master General, of America,
 commissions issued by, 568;
 and see Hamilton, John.
 , proclamation by, 568.
 , Secretary of. *See* Lloyd,
 John.
 Postilion, pirate ship, 797 II.
 Potash, 819.
 Poxon, John, plantation of, petition
 for, 30, 30 I.
 Poyntz, Deane, Depty. Auditor, Jam.,
 document signed by, 566 II.
 Pratter, —, Agent of South Sea Co.,
 letter from, 206 I.
 Prerogative of the Crown, infringement
 of (Antigua), 532, 568, 722, 802.
 , (Jam.), 89, 108, 144,
 168, 272.
 , instruction con-
 cerning, 272, 313.
 , (Mass.), 616, 617.
 , (N.H.), 615.
 , (Va.), 456, 657.
 Pressing of seamen, question of, con-
 sidered, 471.
 , report upon, 215.
 Pretender, The, success of, rumoured
 in Nova Scotia, 185.
 Prideaux, Sir Edmund, 761.
 Prissick, Capt., Christopher, letter
 from, 129.
 , letter to, 513.
 PRIVY COUNCIL, THE, Clerk of. *See*
 Hales, Robert; Southwell,
 Edward; Vernon, James.
 , orders in; *see* George, King;
 George, Prince of Wales.
 , Committee for hearing appeals
 etc. from the Plantations, 633.
 , order by, 499, 554.
 , appeal to, 79, 87.
 , order by, concerning
 New York, 453.
 , letter from, 790.
 , letter to, 501, 528.
 , logwood cutting sanc-
 tioned by (1673), 104 I.
 , reference to, 587.
 , representation to, 390,
 603 III, 692 III, 724 II, III.
 , Office, fees for Acts, 488.
 Proctor, Samuel, document signed by,
 413.
 Proprietary Governments. *See under*
 Plantations.
 Provost, Samuel, document signed by,
 516 I.
 Puertorico, 298, 298 III, 442, 551, 738 v,
 818 I.
 , Governor of, 526.
 , letter to, 494 III, 526 I, v,
 652.
 Pullen, George. *See* Antigua, Act to
 indemnify A. Browne etc.
 Pulteney, Daniel, a Lord Commissioner
 for Trade and Plantations, 233,
 625.
 Purcell, Col., appointment of, to Gov-
 ernorship of L.I., rumoured, 438.
 , Martin, Lt. Governor of
 Placentia, Commission of, 39.
 , letter to, 318.
 , petition of, 312 I.
 , referred, 312.
 , report upon, 319.
 , services of, 312 I.
 Pusey, William, recommended for
 Council, Jam., 749, 756, 765, 766.
 , appointed, 768, 774.

Q

- Quakers, Antigua, 297.
, (N.J.). *See* New Jersey, Act for solemn affirmation by.
, Va. *See* Virginia, Act, *prohibiting unlawful assembling of*.
 Quintor, Hendrick, pirate, trial of, 575, 575 I.
 Quit rents, N.Y., 516, 650; *and see* New York.
, required, 408.
, Va., 15, 15 I-III.
,, account of, 422, 422 I, 657, 657 v.
, reluctance to pay, 422; *and see under* separate Colonies.

R

- Rainsford, Henry (Va.), annuity of, 422 I.
Ranger, pirate ship. *See* Vane, Charles.
 Ravell, Daniel, Councillor, Montserrat, leave of absence, 797.
 Rawleigh, Benjamin, deposition of, 359 x.
 Rawlings, Henry, proposal of, 25.
 Read (Reid), John, document signed by, 516 I.
,, recommended for Council, N.J., 12, 194, 739.
 Reading (Reiding), John, Councillor, N.J., death of, 194.
,, jr., recommendation of, for Council, N.J., 739.
 Rebellion; failure of, congratulatory address upon, 340 I.
 Reed, Dennis, certificate by, 43 I.
 Renslaer, Councillor, N.Y., 112.
 Reynders, Barent, document signed by, 516 I.
 Reynolds, Capt., R.N., 141, 271.
, Thomas, Provost Marshal, Barbados, petition of, 210, 229.
,, report upon, 259.
,, withdrawn, 269.
 Rézen, Commander Van der Heyden, letter *etc.* from, 316, 316 I-XXIII, 443, 443 I, 444, 455, 455 I-VII, 693, 778, 811.
,, letter to, 725 II.
,, instructions by, 693 II.
 Rhett, William, Surveyor of Customs, Carolina, letter from, 452 I, 489.
,, referred, 452, 463.
, report upon, 514.
,, letter, warrant, to, 630-632, 697.
,, expedition against pirates commanded by, 730, 787.
 RHODE ISLAND, Acts repugnant to the Acts of Trade, complaint concerning, 759.
,, affecting Crown officers, 759.
, Charter of, pleaded, 700.
, Council and Assembly of, 700.
, Customs, Collector of, 575; *and see* Kay, Nathaniel.
, Governor and Council of, letter to, 804.
,, instructions to, for prevention of trade with French, 193.
, Militia, command of, refused to Governor of N.E., 700.
, pirates, commissions for trying, 405.
, ship captured by pirates, 797 I.
, wool clip in, 620.
,, export of, 620.
 Ricard, John, Capt., privateer, commission of, 760.
 Richards, —, pirate, ship captured by, 660.
, Major General, 550.
 Richardson, John, document signed by, 438, 439.
 Risby (Risbee), James, Jam., 322.
,, proposed for Council, 116.
,, removed, 144.
Rising Sun, pirate ship, 797 I, v.
 Robertson, Robert, plantation of, petition of, 30, 30 I.
, William, Clerk of Council, Va., 588 I.
,, document signed by, 779.
 Robinson, John, proposed for Council, Va., 588.
, John. *See* London, Bishop of.
, Jos., document signed by, 516 I.
 Rodeney, Caesar, document signed by, 413.
 Rogers, Woodes, Capt., Governor of the Bahama Islands, 423, 471.
,, appointment of, 64.
,, arrival of, at New Providence, 737.
,, expected, 556.
,, certificate by, 737 v, VIII.
,, character of, testimonials to, 64, 286.

- Rogers, Woodes—*cont.*
 , Commission of, 64, 220,
 220 I, 305, 314.
 , despatch of, re-
 quested, 255.
 , proposal for signing,
 before completion of surrender
 of Government, 183.
 , rejected,
 184.
 , as Captain of
 Independent Company, 64, 167.
 , for trying pirates,
 question of, 807.
 , Company formed by,
 252.
 , danger of, from pirates,
 556.
 , departure of, urgent,
 255.
 , illness of, 737.
 , Instructions of, 64, 220,
 220 II, 305, 353.
 , despatch of, re-
 quested, 255.
 , of Governor of
 Jamaica supplied to, 220 II.
 , lease of Proprietors'
 rights assigned to, 183.
 , letter from, 287, 737,
 807.
 , message to, from Gov-
 ernor Sir N. Lawes, 421.
 , Officers appointed by,
 737.
 , petition of, report upon,
 64.
 , welcome of, 737.
 Rolfe, John, protest by, 252 II; *and*
see Nuestra Senora de Belem.
 Rolland, John, document signed by,
 516 I.
 Roman Catholics; *and see* Antigua,
Act to prevent increase of.
 , debarred from purchase of
 French lands in St. Kitts, 7 I,
 156 I.
 , Maryland, 288, 289.
 , Missionaries, orders restrain-
 ing, requested, 565 v.
 Roscow, J., Receiver General, Va.,
 document signed by, 406 I,
 657 v, vi.
 Rose, H.M.S., 737, 807.
 Rose, Francis, recommended for
 Council, Jam., 53.
 , appointed, 144.
 Rounsivell, George, pirate, reprieve
 of, recommended, 807.
 Rowland, Charles, grant of, continued,
 574.
 , Dr., 298 III.
 , nephew of, pirate, 298
 III.
 Roxburghe, Duke of. *See* Ker, John.
- Rule, James, recommended for
 Council, Jam., 53.
 Russ, John, document signed by, 399.
 Russeck, 261.
 Russell, Edward, Earl of Orford, First
 Lord of the Admiralty, 617.
 Rutherford, William, deposition of,
 737 III.
 Rye, H.M.S., 394, 758 I.
- S**
- St. Augustine, 423.
 , Spaniards at, enemy Indians
 encouraged by, 556; *and see*
Carolina.
 ST. CHRISTOPHER (St. Kitts), 551;
and see Hamilton, W.; Lee-
 ward I.
 , Act, *ascertaining bounds in*
late French ground etc., criticism
 of, 570 I (c).
 , *to empower the Surveyor*
to turn path etc., confirmed,
 336, 408.
 , report upon, 99,
 158.
 , referred, 72.
 , *for laying a duty on*
sugars exported to any other
island in this Government etc.,
 570 I (c).
 , *to prevent danger by fire*,
 confirmed, 336, 408.
 , report upon, 158.
 , *for raising a tax on*
trade etc., objection to, 171,
 570 I (c).
 , *regulating fees*, 570 I (c).
 , *for settlement of Militia*,
 570 I (c).
 , *for settling estates*, ob-
 jections to, 408.
 , new, proposed,
 408.
 , Acts of, collection of, required,
 171.
 , Agent of, 408.
 , Assembly of, 692.
 , Journal of, transmis-
 sion of, required, 736, 736 II.
 , representation in, of
 late French part, 156 I.
 , revision of Act recom-
 mended to, 408.
 , Basseterre, 72.
 , houses and value of, 6;
and see lands in former French
 part of.

St. Christopher—*cont.*

-, *Blanco*, ship, case of, 742.
-,, sale of, account of, 742 xv.
-, Brimstone Hill, 298.
-,, fortification of, taxation for, 48.
-, capture of, 298.
-, Charles Fort, 134 i.
-, Chief Justice of, dismissed, 134; *and see* Crooke, Clement; Mills, Mathew.
-, Clay Hill, 72.
-, Council of, 298, 692.
-,, Minutes of, transmission of, required, 736, 736 II.
-,, vacancies in, 570.
-,,, notice of, required from Governor, 570.
-,,, reported, 736.
-, Councillors, 736, 797.
-,, absentee, 797.
-,, deceased, 559.
-,, persons proposed for, 559.
-, Court of Admiralty, Judge of. *See* Woddrop, William.
-,, ship condemned in, 134.
-, escheats, return of, 408.
-, fees, Act regulating, 570 I (c).
-, fortifications, Act laying duty for, 570 I (c).
-, $4\frac{1}{2}$ p.c. duty in, 7 I.
-, French Protestants, to retain grants, 7 I, 156 I; *and see* lands in.
-, Governor's visit to, 298.
-, house, thatched, Act prohibiting, 158.
-, hurricane, damage to shipping by, 40, 692.
-, inhabitants, certificate by, 61 II.
-,, migration to Crab Island, etc., 40, 48.
-,,, prohibited, 329, 691, 692, 692 I.
-, invasion of, by French, 40.
-,,, grant in aid to sufferers from, 6, 510.
-,,, petition concerning, 794.
-,,, application to Parliament concerning debentures, 762.
-, lands in, escheated, grants of, return of, required, 408.
-, lands in former French part of, Act ascertaining bounds, 570 I (c).
-,, $4\frac{1}{2}$ p.c. duty, 7 I.
-,, grants of, 16, 46, 48, 74, 74 I, 156, 510, 692 II.

St. Christopher, lands in former French part of, grants of—*cont.*

-,,, continued, 7 I, 74, 134 VI-IX, 574, 816, 817.
-,,, account of, 692, 692 II, v.
-,,, imperfect, 691.
-,,, Proclamation ordering, 691, 692, 692 IV.
-,,, required, 408.
-,,, limitation of, proposed, 7 I, 83, 92, 93.
-,,, petition concerning, 16, 26, 26 I, II, 27, 29-33, 60 I, II, 61 I, II, 203 I, 260, 265.
-,,, referred, 60, 61, 203; *and see* Assaillié; Duport, S.; Milliken, J.; Stoddart, C.; Codrington, W.
-,,, rule followed by Governor Hamilton, 441.
-,,, to poor settlers, 441.
-,,, small plantations *gratis*, proposed, 7 I, 156 I.
-,,, to French Protestants, 66, 74, 134 VI-IX.
-,,, continued, 7 I, 156 I.
-,,, to inhabitants of Virgin Islands, proposed, 157, 191, 231, 298, 329, 442, 560, 692, 692 I.
-,,, houses in, 74 I.
-,,, parishes, proposed, 156 I.
-,,, plantation of Pensez-y-bien, 46.
-,,, order concerning, 816.
-,,, planters in, list of, 74.
-,,, proposals for purchase of, 6, 16, 17, 21, 24-33, 41-48, 61, 62, 82, 83, 92, 93, 145, 146, 205.
-,,, advertisements for, 7.
-,,, in gross, objection to, 83.
-,,, report upon, 71, 156.
-,,, purchases of, limited, 156 I.
-,,, quality of, enquiry concerning, 652.
-,,, quit-rents, proposed, 7 I, 156 I.
-,,, restored to former owners, 510.
-,,, representation of, in Assembly, 156 I.
-,,, Roman Catholics debarred from purchasing, 7 I, 156 I.

- St. Christopher, lands in former French part of—*cont.*
 , sale and settlement of, conditions proposed for, 7, 7 I, 48, 48 I, 156, 156 I, 692.
 , enquiry concerning, 204.
 , reply to, 205.
 , report upon, 156, 329.
 , ordered, 34.
 , instructions concerning, 329.
 , salt ponds, common, 7 I, 156 I.
 , smallholders to be secured, 83, 92, 93.
 , survey of, needed, 7.
 , Surveyor for, proposed, 156, 156 I.
 , taxation of, without representation, complaint concerning, 48.
 , value of, 6, 34.
 , Lt. Governor of. *See* Matthew, Wm.
 , Militia, Act for settling, 570 I (c).
 , negroes, 134 I–V, 325, 510.
 , taxation of, complaint concerning, 48.
 , pirates infest coast, 298, 797.
 , sloop captured by, 298, 298 III.
 , quit-rents in, 7 I.
 , return of, required, 408.
 , trade, illegal, French ship seized for, 134.
 , trade and shipping of Gt. Britain, Act taxing, objection to, 171.
 , instruction concerning, 171.
 , Treasurer. *See* Crooke, Clement.
 , white servants, to be employed on former French lands, 156 I.
 St. Croix, R. *See* Nova Scotia.
 Sta. Cruz. *See* Virgin Islands.
 St. Eustatia, I., capture of, 298.
 , Governor of, deserters from L.I. harboured by, 797.
 , trade with L.I., 797.
 , in negroes, question concerning, 692.
 St. John, Henry, Viscount Bolingbroke, 6.
 , letter to, 230.
 St. John's I. *See* Virgin Islands.
 St. Juan de Porto Rico. *See* Puertorico.
 S. Juan Baptista, 10 II.
 St. Kitts. *See* St. Christopher.
 St. Lawrence, R. *See* Canada.
 Sta. Lucia, French settlement on, intended, representation concerning, 64.
 St. Peter's I. *See* Virgin Islands.
 St. Thomas I. *See* Virgin Islands.
 St. Vincent, 797 IV.
 Sacco, 283.
 Sackrehock, R., 261.
 Sadler, John, Councillor, Jam., appointed, 144.
 Sagadehoc, R., 261.
 Sales, Pierre, complaint by, 579 I.
 , referred, 579.
 Salisbury, Bishop of, recommendation by, 448.
 Salt Islands, 406.
 Saltertudas. *See* Tortuga.
 Salter, William, Councillor, Bahamas, 737.
 , death of, 737.
 Samana Bay, rendezvous of pirates, 797 II.
 Samuel, ship, 737, 807.
 , sloop, captured by pirates, 551 VI.
 Sanders (England), Ann, case of, 134 III.
 Sanderson, Bartholomew, document signed by, 413.
 San Francisco de Campechy, 104 I.
 Satur, Thomas, document signed by, 399.
 Saura, Don Juan, letter from, 548.
 Scandrett, Christopher, document signed by, 413.
 Scannell, Dav., certificate by, 43 II.
 Scarborough, H.M.S., 442, 494 I, II, 526; *and see* Hume, Capt.
 , action with pirates, 298, 742.
 Schuyler, Col. Peter, N.Y., Commissioner for Indian Affairs, letter from, 578 I.
 , Councillor, N.Y., 112.
 , Philip, document signed by, 516 I.
 Scott, Thomas, Capt., R.N., Commodore of Newfoundland Convoy, instructions for, 394, 440.
 , letter, report from, 751, 758 I.
 , orders by, 751, 751 II.
 Seaburne, John, plantation of, petition concerning, 30, 30 I.
 Seaford, H.M.S., 298, 442.
 Seals, new. *See* Plantations.
 Secretary at War, report by, 285.
 , report to, 392 II.
 Sergison, Charles, Commissioner of the Navy, document signed by, 386.
 Shannon, Nathaniel, letter from, 782 I, II.
 , referred, 782.

- Shard, Robert, petition of, 222 i.
,, referred, 222.
,, report upon, 480.
- Shark, H.M.S., 737.
- Sharp, Capt., 624 i.
- Sharpe, Henry (Jam.), 131 v.
- Sheerness, H.M.S., 260.
- Shelton, Richard, Secretary to the Lords Proprietors of the Bahama Islands, document signed by, 773.
,, letter from 183, 504, 505, 697, 814.
,, letter to, 58, 184, 486, 504 i.
- Shepherd, Samuel, Deputy, South Sea Co., document signed by, 178 i, 286.
- Shepherd, Humphrey, grant of, continued, 574.
- Sheriff, William, Commissary of garrison, Annapolis Royal, commission of, 523.
- Shipscoot, R., 261.
- Shuan, John, pirate, trial of, 575, 575 i.
- Shute, Samuel, Governor of Massachusetts Bay and New Hampshire, 735.
,, command of Rhode Island militia in time of emergency refused to, 700.
,, commission by, 783.
,, commission of, for pardoning pirates, 683.
,, for trying pirates, question of validity of, 419, 656, 659.
,,,, reply to, 658; *and see* Plantations, The, Governors of.
,, conference with Eastern Indians, 193.
,, Instructions of, 706.
,,, compliance with, ordered, 419.
,,, communicated to Council, 544.
,,, concerning Acts affecting trade and shipping, 90 i, 111, 142.
,,, concerning French on Mississippi, 419.
,,, trade with Madeira etc., 419.
,,, concerning naval stores, 419.
,,, concerning preservation of the woods, 755.
,, letter from, 193, 575, 656, 658, 700.
,, letter, memorial, to, 419, 616, 616 i-III, v, 700 i.
,, proclamation by, 193.
,, Rhode Island visited by, 700.
- Simms, George, 564.
, Henry. *See* Antigua, Act to enable A. Freeman.
- Singin, Timothy, deposition of, 729 (b).
,, document signed by, 192.
- Skarrot, Peter, certificate by, 43 ii.
- Skerret, Thomas, petition of, 309.
- Skene, A., Councillor, Car. S., document signed by, 730, 787.
- Skipwith, Sir Fullivar, guardian of Lord Craven, documents signed by, 176, 630-632, 687, 695, 696.
- Skoolkill Creek, 177 i.
- Smith, —, Rt. Hon., letter to, 815.
, Christopher, Capt., Va., deputy for India Conference, 101 i.
, Daniel, Lt. Gov. of the Leeward Islands, 441.
,, grant by, 29.
,, Lt. Governor, of St. Kitts, letter from, 31.
,, proposal to purchase plantation, 45.
,, services of, 45.
, James, Secretary, N.J., Act reducing fees of, complaint concerning, 284.
,, memorial, petition, by, 284, 764.
, John, Councillor, Va., 799.
,, dismissal of, proposed, 588.
,, St. Kitts, document signed by, 438, 439.
,, grant of, 657 iv.
,, letter from, 31.
,, proposal submitted by, 25, 27.
, Michael, document signed by, 438, 439.
, Thomas, receipt by, 670.
, William, N.Y., document signed by, 516 i.
- Snow, H.M.S., 78.
- Sohlenthal, Baron de, Danish Envoy, memorial by, 593 i, 652, 818 i.
,,, referred, 593.
,,, reply to, 628 i.
- Solicitor General, The, consulted by Board of Trade, 409; *and see* Thomson, Sir Wm.
-, Counsel to relieve, proposed, 409.
,, appointed, 496, 502.
- Somerset, Henry, Duke of Beaufort, a Lord Proprietor of the Bahama Islands, a minor, 176.
,, document signed for, 176, 360 i, 630-632, 687, 694-696.
- Sonmans, Peter, Councillor, N.J., reprimand of, request for, 112.

- Soulegre, Peter, grant of, continued, 574.
,, proposal by, 29.
 South, Humphry, letter from, 26, 30.
, Robert, letter from, 26, 30.
, Thomas, pirate, trial of, 575, 575 I.
 Southack, Cyprian, Capt., letter from, 351 I.
,, map of Nova Scotia by, 789.
,, petition of, 351 I.
,, Fort St. Louis captured, 351 I.
 Southmead, Arnold, 164.
 South Sea Co., Agents of (Jam.), letter from, 206 I, 207 II, 272.
, Asiento ships sent to Barbados, 272.
,, trade, 196.
, Directors of, letter to, 206 I, 270 II.
, petition *etc.*, of, against duty on negroes exported from Jamaica, 178 I, II, 206, 206 I.
,, reply to, 196.
,, instruction concerning, 313.
,, report upon, 272 ; *and see* Jamaica, Act *laying duty on negroes*.
, Secretary of. *See* Ury, John ; Wescomb, Daniel.
, Sub-Governor of. *See* Bateman, Ja.
 Southwell, Edward, Clerk of the Privy Council, document signed by, 137, 160, 172, 234, 264, 301, 302, 305, 306, 336, 337, 360-368, 379, 445, 453.
 SPAIN AND THE SPANIARDS. *See also* Cuba ; Hispaniola ; Campeche ; Jamaica ; St. Augustine ; Valle, Don Juan ; Asiento, the.
, Bahamas and Carolina, attack upon, prepared by, 737, 797.
, British ships seized by, 5, 5 I, 54, 59, 104 I, 131 IV, V, 692, 692 VI-VIII, 737, 737 III-V, VII, VIII, 738, 738 VI, 806 I.
,, complaint concerning, 10, 10 I-VIII, 65 I, II, 350.
,, referred, 65.
,, list of, 65 III.
,, satisfaction for, demanded, 64, 681 IX, 738 VI.
,, refused, 65 I.
, Crab I., seized by, 442, 692, 797.
,, restitution demanded, 442, 563.
,, English settlers removed from, 298.
,, galleons and flota, pirates watch for, 298 III.
 Spain and the Spaniards, galleons and flota—*cont.*
,, wrecks of, fishing on, 10 VI, 298 III.
,,, British ship seized for, 737 IV, V ; *and see* Hamilton, Lord A.
,, guarda costas, depredations by, 681, 681 IX.
,,, reparations for, demanded, 681 IX.
,, logwood cutters in Campeche Bay, protest against, reply to, 104 I.
,, dispersed (1680), 104 I.
,, Main, trade with, 681 III, 688.
,,, by H.M. ships, 566.
,, negroes, runaway, protected by, 423, 525, 556.
,, piracies committed on, arrest for, 10 VI.
,, by Jamaican privateers, complaint of, 131 IV, 169.
,,, enquiry ordered, 361.
,,, reply to, 131 V.
,, pirates (Bahamas), attacked by, 737.
,, attack, 797 II.
,, watch for galleons, 298 III.
,, at Puerto Rico. *See* Puerto Rico.
,, privateers, English, suppressed by English Governors, 104 I.
,, raid by, on Bahamas (1682), 104 I.
,, raids by, on Jamaica, 65 I, III.
,, reprisals against, ordered, 780.
,, St. Augustine, Indians and slaves from Carolina harboured by, 423, 525, 556.
,, settlements at, 660 ; *and see* St. Augustine.
,, St. Thomas, expedition against, intended by, 818 I.
,, ships seized. *See* *Nuestra Senora de Belem*.
,, trade with, in W.I., decree forbidding without licence, 104 I.
,, 227, 566, 660, 681 III, 688.
,, French, 389.
,, Jamaica, 750 I.
,, N.E., 620 I.
,, Newfoundland, 626 I, 798.
,, New Hampshire, 796, 806 I, 810 II, III.
,, treachery of, 737 IV.
,, Treaty with, (1667), 104 I.
,, (1670), 104 I.
,, (Utrecht), 104 I.

Spain and the Spaniards—*cont.*

-, war with, 807.
-,, declaration of, 803, 804, 813 I, 814.
-,, by France, 803.
-,, rumours of, in W.I., 758 I.
-,, Sir G. Byng's victory, 738.
-, West Indies, description and sailing directions of, 820.
-,, decree forbidding trade with, 104 I.

Spanish Town. *See* Virgin Islands.

- Spencer, Charles, Earl of Sunderland, letter from, 8 I, 312, 328, 331, 332, 392, 393.
-,, letter to, 237, 296, 319, 370, 409, 484.
-, Thomas, Councillor, Bahamas, 737.

Spiegel, H. van dam, document signed by, 516 I.

Spooner, John, Solicitor General, L.I., recommendation of, 691.

Spotswood, Col. Alexander, Lt. Governor of Virginia, Addresses to, in favour of, 568, 568 III, 799, 800, 800 VI.

-,, appointment of Courts by, instruction concerning, 334, 422.
-,, judges by, commission empowering, 63.
-,, dispute concerning, 207, 208, 213, 275.
-,, objection to, 342 I, II.
-,, petition against, 342 I.
-,, referred, 342.
-,, charges against, 59; *and see* Ludwell, Col.
-,, reply to, 568, 799, 800.
-,, anonymous, 456.
-,, reply to, 63.
-,, by Assembly, 799, 800, 800 II, III.
-,, reply to, 456.
-,, by Councillors, 588 I, II.
-,, reply to, 456, 588, 588 I, II.
-,, collation to benefices, right of, challenged, 657.
-,, question concerning, 731.
-,, instruction concerning, 657 I.
-,, commended, 334.
-,, Councillors, dismissal of, proposed by, 588.
-,, reconciliation with, attempts at, 568, 588, 588 I, II.

Spotswood, Col. Alexander—*cont.*

-,, document signed by, 59 II-IV, 360 I, 657 V, VI.
-,, expedition against pirates organised by, 800.
-,, Governor Hunter visited by, 406.
-,, grants of lands by, 657 IV.
-,, Indians, Conference with. *See* Indians, Delaware *etc.*
-,,, Five Nations proposed, 568 II.
-,,, Conference with Governors concerning, 59, 406.
-,, instructions by, to Capt. Beverley, 10 IV-VI.
-,, Instructions of, 342 I, 406.
-,,, concerning Act for regulating Indian trade, 63.
-,,, relating to collation to benefices, 657 I.
-,,, concerning laws affecting British trade and shipping, 90 I, 111, 142.
-,,, revocation of, requested by Assembly, 568, 568 IV, V.
-,,, relating to Courts, 334.
-,,, alteration of, proposed, 422.
-,,, concerning pirates, 800.
-,,, observance of, avoided by Council, 456.
-,,, concerning trade with foreign Plantations, 598.
-,,, communicated to Council, 456.
-,, iron mines, working of, proposed by, 800.
-,, journeys of, allowance for, refused by Assembly, 568, 568 II, 588 II (b).
-,, letter from, 15, 15 I-III, 58, 59, 64, 215, 406, 422, 456, 568, 588, 657, 699, 723, 799, 800.
-,, referred, 5 I, 668, 731.
-,, letters to, 63, 207, 334, 395, 588 II, 598, 689 I.
-,,, receipt for dispatch of, 173 I.
-,, opposition to, 456, 699.
-,,, cause of, 799, 800.
-,,, led by Blair and Ludwell, 799, 800.
-,, recall of, urged by Byrd, 799, 800.
-,, pass over the mountains discovered by (1716), 657, 800.
-,, Proclamations by, 59 II-IV, 657, 657 II, III.

- Spotswood, Col. Alexander—*cont.*
 , proposals by, for improvement of revenue and quit-rents, 422. *And see* Va., Revenue; quit-rents.
 , salary of, 422 II.
 , settlements and forts on the Great Lakes, proposed by, 657.
 , sloop sent by, to investigate pirates and Bahamas, case of, 10, 10 I-VIII.
 , speech of, to Assembly, 568, 568 II, 588 II (b), 800 IV, V.
 , , reply to, 568, 568 III, 588 II (b).
 , , complaint concerning, 800 II.
 , , testimonial by, 10 III.
 , , westward policy of, 657.
Squirrel, H.M.S., 193, 575.
 , French ships seized by, 782 II.
 Stanhope, —, Ambassador at Madrid, instructions to, 563.
 , Charles, Secretary of the Treasury, letter from, 120, 204, 231, 542 (a-d).
 , , letter to, 121, 205, 214, 265.
 , James (Earl Stanhope, April, 1717) Chancellor of the Exchequer, *etc.*, letter from, 496, 502.
 , , letter to, 548, 806 I, 823.
 , , referred, 806.
 , , patronage by, 822.
 Stanley, James, Earl of Derby, letter to, 449.
 Stapleton, Sir W., late Governor of the Leeward Islands, instructions to, 8 I, 593 I.
 , , letter from, 8 I, 628 I.
 , , letter to, 8 I, 628 I.
 Steele, William, deposition of, 729 (b).
 , , document signed by, 192.
 Stevens, John, bond of, 751 I.
 Stoddard, Christopher, plantation of, in St. Kitts, agreement concerning, 441, 441 I-III.
 , , , complaint concerning, reply to, 441.
 , , , grant of, 441, 441 I-III.
 , , , petition concerning, 16, 203 I, 260.
 , , , order concerning, 369.
 , , , referred, 203.
 , , , report upon, 325.
 , , , reply to, 691, 692 III.
 , Mrs., 441 I.
 Stoodlie, P., document signed by, 413.
 Sturgeon, in N.E., patent for curing and catching, petition for, 149 I, 165 I, 222 I, 244, 258, 262, 321; *and see* Low, Mrs.
 , , , , caveat against, 354.
 , , , , recommended, 321.
 , , , , referred, 149, 165, 222.
 , , , representation on, 480.
 Styles, Daniel, 551 I.
 , , robbed by pirates, 551 IV.
 Subercasse, M., late Governor of Accadie, passport signed by, 434.
 Suffolk and Bindon, Earl of. *See* Howard, Henry.
 Sugar, trade, the, competition of French and Dutch, feared, 534; *and see* Barbados; Leeward Islands; Jamaica.
 Suma Sunta, 104 I.
 Summers, Thomas, document signed by, 399.
Sunderland, privateer, commission of, 760.
 Sunderland, Earl of. *See* Spencer, Charles.
 Surinam, 797 IV.
 , competition of, feared, 534.
 , trade with N.E., 620 I.
 , trade with, prohibition of, recommended, 534.
 Susquehanna, R., 101 I.
 Sutherland, John, Earl of, petition of, for grant of the Three Lower Counties, report upon, 117, 117 I, 177, 177 I, 186.
 Sutton, Edmund, Judge and Treasurer, Barbados, 742, 742 XIII.
 , , document signed by, 742 XIV.
 , Robert, Baron Lexington of Aram, 104 I.
 Swam Alley, 261.
 Swanton, Thomas, Commissioner of the Navy, document signed by, 386.
 Sweden, monopoly of naval stores, 819.
 Swete, Main, grant of, continued, 574.
Swift, H.M.S., 10, 357, 566.
 Swymmer, Anthony, grant of escheated estate to, (Jam.), 123.
 , , , revoked, 97 I, 124.
 , , , , petition for restitution of, 97 I.
 , , , , referred, 97.
 , , , , report upon, 152.
 , , , confirmed, 362.
 Symes, Henry, deposition of, 729 (b).

Symms, John, document signed by, 641.
 Symonds, Ja., document signed by, 438, 439.

T

Tabasco, 104 i.
 Tahi, Anthony, plantation of, order concerning, 817.
 Tailer (Taylor), Wm., Lt. Gov., Mass. Bay, dismissal of, 735.
, accused of Jacobitism, 735.
 Talmash. *See* Tolmach.
 Tanner, frigate, 181.
 Tapanegine, 261.
 Taverner, Capt. William, letter from, 542 (*e-h*).
, letter to, 542 (*a*).
, services of, 542, 546.
, testimonial to, 542, 546.
, survey of Newfoundland by, 503, 542, 546.
, reward for, 503.
 Tayler, Richard, Pa., deposition of, 737 vii.
 Taylor, Capt., captured by pirates, 298 iii.
, Nathaniel, Councillor, Bahamas, 737.
 Taylour, George, grant of, continued, 574.
 Teach (Thatch, Tatch, Teatch), *alias* Blackbeard, pirate, 551, 556.
, depredations of, 298, 298 i-iii, 660.
, ship of, 298, 298 i-iii.
, ship sent in search for, 298.
, captured by, 660.
, effects of, enquiry concerning, 800.
, expedition against, 800.
, killed, 800.
, piracies continued by, 800.
, Government of N. Carolina fail to restrain, 800.
, Quartermaster of. *See* Howard.
, reward for capture of, 800.
, surrender of, 800.
 Teconock (Tockonock), 261.
 Terriot, Pierre, document signed by, 371 iv.
 Thatch, pirate. *See* Teach.
 Thibou, Jacob, document signed by, 413.
 Thomas, George, document signed by, 411, 412.
, James, plantation of, St. Kitts, order concerning, 817.
, Peter, grant of, continued, 574.
, William, Councillor, Antigua, leave of absence for, 647, 736.
, death of, 704, 752, 775.
 Thompson, —, Agent of South Sea Co., letter from, 206 i.
, Richard, Councillor, Bahamas, 737.
, Lt. Governor, Harbour I., 737.
, Thomas, N.E., bond of, 751 i.
 Thomson, Sir William, Solicitor General, 513.
, letter, opinion, from, 95, 99, 107, 108, 158, 177, 177 i, 201, 211, 237, 242, 248, 261, 267, 268, 308, 383, 383 i, 472, 478, 481, 489, 500, 501, 511, 514, 543, 738.
, reference, to, 70-72, 96, 186, 187, 241, 243, 253, 265, 308, 383 iii, 461, 463, 468, 498, 734, 747, 785, 801.
, opinion by, ordered, 342.
, referred back, 308.
, on L.I. Acts, repudiated by, 237.
, complaint of, by Council of Trade, 237.
 Thornton, Henry, 131 iv.
, John, deed., plantation of, St. Kitts, proposal to purchase, 27, 42.
, grant of, petition for confirmation of, 46.
Three Maries, ship, order concerning, 761.
 Tibby, Capt., maltreated by pirates, 551 i.
, deposition of, 551 viii.
 Tickell, Thomas, Secretary to Mr. Craggs, letter from, 563, 788, 813.
 Tickle, Alice, Act concerning. *See* Barbados, Act for docking an entail.
 Tiddell, S. *See* Lyddell.
Tiger, privateer, Jam., 131, 131 i-v.
, owners of, bond of, 131 iii.
, commission and instructions for, 131 i, ii, iv, v.
 Tilden, Richard, letter from, 188.
, letter to, 150.
 Tilson, George, Secretary to Lord Stanhope, letter from, 806.
 Tolmach, Thomas, Lt. Governor of Montserrat, 797.
, leave of absence for, 136.

Tomlinson, John, document signed by, 413.

Tortola. *See* Virgin Islands.

Tortuga (Tertuga) (Saltertudas), 751.
, British ship seized by Spaniards at, 692, 692 VI-VIII.

Townsend, Thomas, document signed by, 399.

Townshend, Lord, dismissal of, 373 IV.

Trade. *See also* Naval Stores.
, by foreign ships with the Plantations, prohibited, 633.
, with foreign Plantations by British ships, not prohibited by law, 598, 633.
,, prohibited by Treaties, 598, 633.
,, instructions for discouraging, 633, 739.
,, proclamation prohibiting (Mass.), 193.
, with French settlements, prohibition of, orders for, 193, 227, 227 I.
,, recommended, 534.
,, prohibited, Va., 657, 657 II.
, illegal, with French W.I., measures to prevent (Barbados), 767.
,, (Ma.), 289.
,, with foreign Plantations, proclamation prohibiting (Ma.), 417 I, II.
,, (Va.), 406.
,, (L.I.), with French settlements, suppression of, enjoined, 134.
,, difficulty of enforcing, 134.
,, French ship seized for, 134.
,, prevention of, enquiry concerning, 652 I.
,, Nfd., 626 I, 751.
,, with St. Thomas, 628 I.
,, seizure for (Jam.). *See* Nassau, case of.
,, (Va.), orders to prevent, 406.
, Ireland with Newfoundland, 626 I.
, L.I., enquiries concerning, 652, 652 I.
, logwood. *See* Logwood.
, with Madeira and Western Islands (Azores), returns of, 85, 330, 575, 600, 618, 618 I, 736, 742.
,, required, 334, 344, 402, 408, 419, 450, 465, 471.
, with Mobile, 660.
, N.E., competition of, with Great Britain objected to, 543, 550.

Trade, N.E.—*cont.*

.....,, with Danes, 620 I.
,, with Dutch, 620 I.
,, with French, 620 I.
,, with Spaniards, 620 I.
,, with French W.I., difficulty of preventing, 317.
,, with Newfoundland, 550; *and see* Newfoundland Fishery.
,, with W.I., 85, 85 I, 230.
, Newfoundland, with New England, objection to, 550.
,, with Portugal, 626 I.
,, with Spain and Italy, 626 I.
,, with W.I., 626 I.
, New York, increase of, 724 I; *and see* N.Y., trade.
, Nova Scotia (fur), 392 I.
, with Pensacola, 660.
, royal care for, thanks for, 568, 568 III, IV.
, with Spanish, 227, 681 III, 688.
, Spanish, with French, 389.
, W.I., and N.E., 85, 85 I, 330.
,, and Nfd., 626 I.
,, and N.Y., 738 v.
, and shipping of Great Britain, Acts affecting, suspensory clause required in, 90 I, 111, 142, 144, 568, 568 IV, 600, 602.
,, Acts prejudicial to, passed in Proprietary Governments, 493.
,, Act taxing, St. Kitts, censured, 171.

TRADE AND PLANTATIONS, COUNCIL OF, Lords Commissioners of, 625.
,, commission of, 339.
, Counsel to attend law business of, proposed, 409.
,, appointed, 496, 502.
, misrepresentation of, by Cox and party, N.J., 373.
, office, accounts, 114, 247, 279, 460, 533, 571, 701, 809.
,, repair of, request for, 224.
,, rooms, additional, for storing records, required by, 300, 484.
, salaries of, Privy Seal for, 233, 625.
, Secretary of. *See* Popple, William.
, Secretary, Assistant. *See* Wheelock, Bryan.
, letters, instructions, representations from, copies of, not issued, 482.
,, concerning:—
 Acts affecting trade or shipping, 90.

Trade and Plantations, letters, instructions from, concerning—*cont.*

Antigua, 515, 532, 573, 611, 652, 745, 754, 802; *and see* Leeward Islands.

appointment of Counsel for Board of Trade, 409.

Attorney and Solicitor General, 237.

Bahamas, 220, 255.

Barbados, 56, 87, 143, 148, 159, 215, 471, 667, 767.

Bermuda, 465, 485, 539, 580, 667, 720.

Carolina, 63, 486, 493, 514, 525, 677.

French designs, 256, 723.

import duties on foreign goods, 450.

Jamaica, 5, 18, 18 i, 89, 144, 152, 168, 169, 175, 189, 272, 296, 303, 320, 320 i, 327, 350, 426, 606, 642, 665, 685, 686, 748, 756, 765, 766.

Leeward Islands, 158, 171, 257, 319, 329, 430, 487, 557, 560, 570, 582, 652, 652 i; *and see* Antigua; St. Christopher; Nevis.

logwood cutters in Bay of Campeche, 104, 104 i.

Massachusetts Bay, 419, 543.

Montserrat, 652; *and see* Leeward Islands.

Naval Stores, 416, 788, 815.

Nevis, 230, 540; *and see* Leeward Islands.

New England, 480, 543; *and see* Mass. Bay; New Hampshire.

Newfoundland, 527, 550, 604, 605, 612, 798, 808.

New Hampshire, 419, 627; *and see* New England.

New Jersey, 69, 195, 219, 254, 326, 344, 376, 454, 597, 634.

New York, 161, 333, 344, 402, 500, 501, 528, 529, 676, 709.

Nova Scotia, 105, 432, 543, 550, 604, 605, 612.

Office accounts, 247, 533.

Office buildings. *See above*, Office.

Pennsylvania, 186, 450.

Pirates, 400, 426, 580, 677.

...., pardon of, 9, 187, 187 i-iv, 211, 390, 485, 539, 640, 642, 780.

...., trial of, 91, 215, 327, 372, 465, 466, 703, 747.

Premium on iron from the Plantations, 450.

Trade and Plantations, letters, instructions from, concerning—*cont.*

Printing of Plantation Laws, 51.

Proprietary Governments, 543.

Quit-rents, 128.

Revenue accounts, 128.

St. Christopher, 7, 7 i, 156, 158, 325, 329, 560; *and see* Leeward Islands.

St. Thomas *etc.*, 8, 8 i.

Seals for the Plantations, 127.

Sturgeon, patent for, 480.

Lord Sutherland's petition, 186.

Trade with foreign Plantations, 598.

Trade with French, 193.

Virginia, 15, 63, 334, 343, 395, 410, 598.

Virgin Islands, 157, 329, 487, 557, 560, 582, 628, 628 i, 652.

War with Spain, declaration of, 791.

....., letters, instructions, memorials, orders, petitions, references to, concerning:—

Acts affecting Trade or Shipping, 132.

Antigua, 297, 309, 312 i, 358, 359, 368, 435, 462, 470, 477, 530, 547, 581, 649, 704, 722, 740, 752; *and see* Leeward Islands.

Bahamas, 64, 166, 737.

Barbados, 57, 68, 79, 103, 210, 259, 269, 273, 448, 534, 535, 572, 733, 742, 753.

Bermuda, 345, 474, 551.

Carolina, 360, 389, 452, 459, 536, 556, 730, 787.

Counsel, 496, 502.

French designs, 238, 256.

Governors' presents, 64.

Jamaica, 4, 10, 54, 55, 64, 65, 78, 97, 109, 116, 130, 141, 163, 178, 181, 196, 218, 225, 252, 266, 271, 310, 310 i, 311, 356, 357, 361, 391, 437, 447, 522, 541, 549, 566, 591, 681, 713, 749, 750.

Lands between Nova Scotia and Maine, 268, 396, 397, 458 i.

Leeward Islands, 40, 64, 66, 134, 200, 237, 260, 298, 412, 413, 438, 442, 526, 545, 692, 722, 736, 797; *and see* Antigua; St. Christopher; Nevis.

Trade and Plantations, letters, instructions to, concerning—*cont.*

Maryland, 417.

Massachusetts Bay, 85, 193, 330, 458 I, 575, 616, 620, 672, 700, 744, 782; and *see* New England.

Montserrat, 545; and *see* Leeward Islands.

Naval Stores, 328, 328 I, 330, 382, 810, 819.

Nevis, 102, 438; and *see* Leeward Islands.

New England, 354, 592; and *see* Mass. Bay; New Hampshire.

Newfoundland, 64, 392 I, 507.

New Hampshire, 193, 307, 428, 575, 607, 615, 672, 700, 810; and *see* New England.

New Jersey, 22, 284, 445, 520, 601, 613, 650, 738, 786.

New York, 49, 50, 228, 292–294, 349, 385, 436, 492, 499, 516, 518, 554, 601, 618, 650, 653, 662, 663, 707, 738, 738 I.

Nova Scotia, 3, 23, 86, 185, 340, 351, 371, 392, 507, 565, 635, 782, 790.

Nuestra Senora de Belem, 13.

Pennsylvania, 101, 586, 727, 781.

Pirates, 64, 361, 393 I, 474.

....., pardon of, I, 201, 639.

....., trial of, 338.

Printing of Plantation laws, 64, 67, 469.

St. Christopher, 6, 16, 17, 21, 24–34, 36, 41, 42, 44–48 I, 60, 61, 61 III, 62, 82, 83, 92, 93, 145, 146, 203, 260, 441, 510, 559, 794; and *see* Leeward Islands.

St. Thomas, 818.

Sta. Lucia, 64.

Sturgeon, patent for, 149, 165, 222, 321, 354.

Surveyor of Woods, 592.

Trade with French, 227.

Virginia, 59, 64, 153, 176, 208, 275, 281, 342, 398, 406, 422, 456, 568, 657, 699, 757, 770, 800.

Virgin Islands, 442, 494, 526, 692, 818.

H.M. Woods, 744.

Travers, John, plantation of, St. Kitts, proposal to purchase, 83.

....., Joseph, *ditto*, 83.

....., letter from, 26.

....., Samuel, letter from, 26, 146.

Treasurer, the Lord High, accounts of seizures rendered to (Jam.), 681.

Treasury, Lords Commissioners of, 534, 737.

....., letter to, 7, 156, 157, 171, 247, 533, 542 (b, c), 560, 570, 812.

....., Secretary of. *See* Lowndes, William; Stanhope, Charles; Kelsall, H.

Treaty of, Breda, 798.

....., Madrid, (1667), 104 I.

....., Peace and Neutrality in America, 227.

....., observance of, ordered, 134, 406, 417 I, II.

....., not thought binding unless confirmed by Parliament, 406.

....., Ryswick, 798.

....., Utrecht, 268, 507, 789 I.

....., clause relating to log-wood cutting, 104 I.

....., Commissaries to settle claims of Montserrat, Hudson Bay Co., and case of Nevis, 230.

....., French claims under, 635 I.

....., infringement of, 565 IV.

Trenchard, George, letter from, 370.

Tretwell, Peter, Councillor, N.J., appointment of, 520, 601.

....., recommendation of, 12.

Trial, H.M.S., 10, 298, 442.

....., sloop, 384.

Trinidad, 65 III.

....., Alcaid of, 737 VII.

Triste (del Carmen), 104 I.

Trott, Nicholas, document signed by, 730, 787.

Tryon, Rowland, letter from, 42, 62.

....., letter to, 150.

....., Thomas, 763.

Tublay, Roger, memorial by, 679.

Tudor, William, Capt., 358.

Tulon (Toulon), Ollivier de la Gallantrie, case of, order concerning, 64.

....., letter, petition from, 318, 318 I.

....., report upon, 527.

....., money remitted to, claim on, 370, 370 I.

....., fish seized on behalf of, at Bilboa, 318 I, II, 527.

....., order for restoring produce of, 527.

Turks Island, 551.

Turner, Thomas, document signed by, 413.

Tussock, 261.

Tyrrill, Timothy (Nevis), deposition of, 134 IX.

U

- Upton*, ship, taken by pirates, 797 v.
Ure, Alexander, pirate, 797 vi.
Ury, John, Secretary, South Sea Co.,
 letter to, 182, 190.
Usher, John, purchase and convey-
 ance of Maine by, 616 ii, 744.
,,, title of, 616 ii.
Utrecht, Treaty of. *See* Treaty.

V

- Valladolid, 104 i.
Valle, Don Juan del, 350; *and see*
Nuestra Senora de Belem.
,, complaint by, 131 iv.
,,, reply to, 131 v.
,, mission of, to Jamaica,
 for restitution of Spanish losses,
 681.
,,,, reply to,
 681, 681 ix.
,,,, re-
 quested to leave, 681, 681 ix.
,, suspected of spying, 681,
 681 ix.
Van Dam. *See* Dam.
Vane (Vaine), Charles, pirate, depreda-
 tions and cruelty of, 551, 551
 i-x, 730.
,, French ship captured by,
 737.
,, Hornigold sent in search
 of, 737.
Vaudreuil, Marquis de, Governor of
 Canada and Quebec, letter
 from, 789 i, iii.
,,, reply to, 789.
,, letter to, 565, 565 v.
Vaughan, George, Lt. Gov. of New
 Hampshire, 307.
,, waste of woods encour-
 aged by, 283.
,, departure for England,
 object of, 283.
,, letter from, 782 i.
,, letter to, 782 ii.
Vera Cruz, 271, 310 ii, 423, 447.
, British prisoners at, 10, 10
 i-viii.
, expedition preparing at, 797.
Verchild, Jasper, proposal to pur-
 chase plantation in St. Kitts,
 62.
Vernon, James, Clerk of the Privy
 Council, document signed by,
 52, 57, 60, 61, 75, 629, 674, 790.
Villegas, Don Philipppo de, 104 i.
VIRGINIA, Act, for altering day for
 holding Courts rejected, 568.
,, *ascertaining officers' fees*,
 desired, 568.
,,, rejected, 568.
,,, reason for,
 568.
,,, observations
 on, 657.
,, *declaring what shall be*
accounted a sufficient seating,
 568 i.
,,, dispute concerning
 interpretation of, 799, 800, 800
 ii (b).
,,, Attorney General's
 opinion on, alleged, 800.
,, *declaring who shall not*
bear office, 800 i.
,,, objection to,
 ignored, 800.
,,, new, passed by
 Council and Assembly, 800.
,,, repealed,
 59 ii.
,, entrusting public money
 to Mr. Blair, rejected, 568.
,, for defence of the
 country, 406.
,, *for dividing Westopher's*
parish, observations upon, 657.
,, *concerning foreign debts*
 (1663), 281 ii.
,,, objection to, 174.
,,, referred, 263.
,,, repeal of, 380, 395.
,,, proposed, 343.
,,, proclaimed,
 657, 657 iii.
,,, report upon, 281.
,,, General Court
 (1705) amendment to, 456.
,, *granting rewards for*
pirates captured, 800.
,, *limiting times of receipt*
of public tobacco (1676), objec-
 tion to, 174.
,,, repeal of, 174.
,,, clause in, thought
 to be in force, 174.
,, *for maintaining scholars*
at the College of William and
Mary etc., Lt. Govr's. observa-
 tions upon, 657.
,, concerning posts, re-
 jected, by Lt. Govr., 568.
,, *for preventing frauds in*
tobacco payments, repeal of,
 proclaimed, 406, 657, 657 ii.
,,, regretted,
 406, 699.

Virginia, Act—*cont.*

-,, *prohibiting unlawful assembly of Quakers*, 281 i.
-,, objection to, 174.
-,, referred, 263.
-,, repeal of, 380, 395.
-,, proclaimed, 657, 657 III.
-,, proposed, 343.
-,, report upon, 281.
-,, concerning quit-rents, 422.
-,, attempts to repeal, 422.
-,, interpretation of, by Council, 422.
-,, *for the better regulation of the Indian trade*, 568.
-,, repeal of, 63, 631, 660.
-,, instruction concerning, 63.
-,, bad effect of, 406, 699.
-,, repeal of, proclaimed, 406, 657, 657 II.
-,, regulating quality of pitch and tar, difficulty in obtaining, 699.
-,, *for the better securing payment of levies*, observations upon, 657.
-,, *for settling lands etc.*, objection to, 568 i.
-, Acts, 657.
-,, affecting trade and shipping of Great Britain to be passed with suspensory clause, 90 i., 111, 142.
-,, instruction prohibiting, 568.
-,, Address of Assembly for revoking, 568, 568 iv.
-,, Governor's dissent from, 568.
-,, concerning collation to benefices, 657, 657 i.
-,, printing of, 174.
-,, private, observations upon, 657.
-,, relating to Courts, opinion on, 275.
-, Agent of. *See* Blackiston, Col. ; Byrd, Wm.
-, armourer, salary of, 422 II.
-, Assembly, and Act for regulating frauds in Naval Stores, 699.
-,, Address of, 568, 568 III, IV, 757 i.
-,, referred, 757.
-,, for grant of quit-rents, 456.

Virginia, Assembly, Address of —*cont.*

-,, not agreed to by Lt. Govr. Spotswood, 456.
-,, against Lt. Governor, 799, 800, 800 II (a).
-,, how passed, 800.
-,, instructions for presenting, 799, 800, 800 II (b), III.
-,, altered, 800.
-,, presentment of, entrusted to Agent, 568, 568 v, 799, 800, 800 II (b), III.
-,, only permitted through Governor, 568.
-,, for revocation of instruction as to Acts affecting British trade and shipping, 568, 568 iv.
-,, Lt. Governor's dissent from, 568.
-,, adjourned, 568.
-,, Agent of. *See* Byrd, William.
-,, instructions to, 568 v, 799, 800, 800 II (b), III.
-,, need for, 800 II.
-,, allowance for Lt. Governor's journeys refused by, 588 II (b).
-,, bill for entrusting public money to Mr. Blair, sent up by, 568.
-,, rejected by Lt. Govr., 568.
-,, compensation to Indian trading Company refused by, 568.
-,, Councillors to be sole judges in Courts of Oyer and Terminer requested by, 568, 568 iv.
-,, election literature, 568 i.
-,, elections for new, 568.
-,, how managed, 568.
-,, opposition to Lt. Governor, 568.
-,, enquiry by, into furnishing of Governor's House, 800, 800 II.
-,, Lt. Governor's speeches to, complaint concerning, 800 II.
-,, Indian war anticipated by, 456.
-,, instruction communicated to, 406.
-,, insulting behaviour of, to Lt. Governor, 568.
-,, Journal of, 568 v, 657.
-,, Journals, abstracted in margins, 334.

Virginia, Assembly—*cont.*

-, Lt. Governor's message to, 800 iv.
-, speech to, 568, 568 II, 588 II (b), 800 v.
-, reply to, 588 II (b).
-, new, character of, 568.
-, objection of, to post, 568.
-, opposition in, to Lt. Governor, 588, 699.
-, led by Councillors, 588, 799.
-, payment of members, cost of, 657.
-, levy for, legality of, questioned, 406, 800 II.
-, proceedings of, account of, by Lt. Governor Spotswood, 568.
-, prorogation of, 657, 657 III, 800 v.
-, under adjournment, question concerning, 657, 731.
-, Rangers reduced by, 456.
-, refuse to pay for fort at Christanna, 568, 699.
-, relations of, with Council, 568, 588, 799.
-, renewal of treaty with Indians refused by, 699.
-, tampering with, by Council, alleged, 456.
-, Attorney General, opinion of, 59.
-, salary of, 422 I, II.
-, Auditor General, perquisites of, 422 II.
-, salary of, 422 II.
-, Auditor, Deputy. *See* Grymes, John.
-, Beverley, Capt., seized by Spaniards, case of, 10, 10 I-VIII.
-, affidavit by, 10 VII.
-, commission of, 10, 10 IV-VI.
-, testimonial to, 10 III.
-, boundary with N. Carolina, proposal for, 63.
-, referred, 58.
-, Charter of, 213, 275.
-, Christanna, Fort, 101 I.
-, maintenance and re-building of, 406, 699.
-, Assembly refuse to pay, 568, 699.
-, school for, Assembly refuse to pay for, 568, 699.

Virginia—*cont.*

-, collation of benefices, Acts relating to, 657, 657 I.
-, Governor's instructions concerning, 657, 657 I.
-, right to, challenged, 657.
-, question concerning, 731.
-, College of William and Mary, grant for scholars. *See* Act for maintaining scholars *etc.*
-, Commissary, salary of, 422 I; *and see* Blair.
-, condition of, quiet, 568.
-, Council, 59, 101 I, 406, 657.
-, amendments by, to Judge's oath, 456.
-, and appointment of County Court Clerks, 568.
-, charges by, against Lt. Governor, 456, 588, 588 I II.
-, Clerk of, salary of, 422 II; *and see* Robertson, William.
-, "Creolean" views of, 657.
-, Crown rights, opposition to, 657.
-, instructions communicated to, 456.
-, ignored by, 456.
-, message to Assembly, 456.
-, Minutes of, 59, 406, 456, 456 I, 657, 779, 800, 800 I.
-, abstracted in margins, 334.
-, on prorogation of Assembly, 657.
-, opposition of, to quit-rent Act, 422.
-, reconciliation with Lt. Governor, failure of attempts at, 588, 588 I, II.
-, relation of, with Assembly, 568, 588, 799.
-, treaty with Five Nations, renewal of, rejected by, 657.
-, Council and Assembly, Agent of. *See* Byrd, Wm.
-, Councillors, 800.
-, absentees, 699.
-, acting in dual capacity, opinion of Council of Trade, 63.
-, communicated to, 406.
-, reference to Minutes concerning, 406.
-, charges against, by Lt. Gov. Spotswood, 456, 588.
-, to be communicated to, request for, 456.
-, reply to, 456.

Virginia, Councillors—*cont.*

-, claim to be sole Judges in Court of Oyer and Terminer. *See* Court of Oyer and Terminer.
-, intrigues for, 568.
-, object of, 422, 456, 568.
-, offer by Lt. Governor Spotswood concerning, 588 I.
-, opinion on, 275.
-, petition concerning, 342 I, II.
-, referred, 342.
-, dismissal of, caveat against, 770.
-, requested by Lt. Gov. Spotswood, 568, 588, 699.
-, intrigues of, 568.
-, majority of, related, 568.
-, evil of, 588.
-, list of, 209.
-, new, request for, by Lt. Governor, 568.
-, opposition of, 568, 588.
-, persons proposed as, 588, 699, 799, 800.
-, refuse Governor's hospitality, 568, 588 I.
-, remote, unwilling to attend, 800.
-, salaries of, 422 II.
-, from quit-rents, project of, 456.
-, terms offered by, to Lt. Governor Spotswood, 588 I, II.
-, Counties, grievances of, 568.
-, Court party, 568 I.
-, Court of Admiralty, trial in, 406.
-, County, Clerks of, bill concerning appointment of, objection to, 568.
-, General, Act concerning, amendment to, 456.
-, of Oyer and Terminer, agitation concerning, failure of, 568.
-, appointment of Judges by Governor, admitted, 398.
-, objection to, 342 I, II.
-, petition concerning, 342 I.
-, referred, 342.
-, opinion, report upon, 63, 275, 334, 410; *and see following.*

Virginia, Court of Oyer and Terminer—*cont.*

-, Councillors' claim to be sole Judges of, 59, 153, 207, 208, 342, 342 I, II, 456, 588, 588 I.
-, Assembly support, 568, 578 IV.
-, enquiries concerning, 213.
-, instruction by Council of Trade concerning, 63, 334.
-, reception of, 568.
-, report upon, 410.
-, request for, 398.
-, reply to, 207, 456.
-, Judges' allowances, 422.
-, cessation of, proposed, 422.
-, Act for altering date, rejected, 568.
-, Acts relating to, opinion on, 275.
-, Ministers of, salaries of, 422 II.
-, payments for, 422 II.
-, Creoles, 657, 799.
-, defence of, 699.
-, measures for, 568.
-, rejected by Assembly, 568.
-, Rangers reduced by Assembly, 456.
-, deserters from Navy, Proclamation prohibiting harbouring of, 657, 657 III.
-, fees. *See* Act for settling.
-, forts. *See* Christanna.
-, French, attack upon Cherikees intended, rumour of, 800.
-, encroachments, danger of, 657, 699.
-, German mines, 800.
-, Government, establishment, 422, 422 I, II.
-, expences, account of, required, 63.
-, Governor of. *See* Orkney, Earl of; Spotswood, A.
-, Governor's House, extravagance in furnishing alleged, 800, 800 II (b).
-, Governors, policy of opposition to, 456.
-, powers of. *See* Courts: Collation to benefices.
-, grievances, absence of, 799, 800.
-, guardships, 657.

Virginia, guardships—*cont.*

-, men furnished by, against pirates, 800.
-, Indian Company, the, 699; and see *Act for better regulation of Indian trade.*
-, compensation for, recommended to Assembly, 406.
-, refused, 568, 568 I.
-, continuation of, sanctioned by Council, 406.
-, traders of, report by, 800.
-, "Thomas Jones & Co.," 568 I.
-, Indian trade. See *Act regulating; and Indian Company.*
-, regulation of, continued, 406.
-, necessity for, 59.
-, denied by Assembly, 568.
-, with Tuscaroras, restricted, 59, 59 IV (a).
-, Indian traders, character of, 59.
-, Indians, Cuttaba, attack upon, by Senecas, and Tuscaroras, 59, 59 IV (a), 101 I.
-, attack upon, by Shawanois, denied, 101 I.
-, treaty with Virginia proposed, 101 I.
-, rejected by Pennsylvania, 101 I.
-, at Christanna, 59.
-, hostages given by, 59.
-, sterility of, 800.
-, Cherokee, arms supplied to, 800.
-, French designs against, alleged, 238, 256, 800.
-, importance of friendship of, 800.
-, invasion by, feared (Car.), 384.
-, numbers of, 800.
-, Creeks, proposals for peace, 423.
-, Delaware *etc.*, conference with, 101 I.
-, deputy for, 101 I.
-, proposal for treaty with, 101 I.
-, rejected by Lt. Gov. of Pennsylvania, 101 I.
-, expresses for, payments for, 422 II.
-, Five Nations, conference of Governors concerning, 59.
-, march of, prevented, 406.

Virginia, Indians, Five Nations—*cont.*

-, negotiations with, 578 I.
-, Agent for, 578 I.
-, presents for, necessary, 578 I.
-, renewal of covenants of 1685 proposed, 59.
-, refuse to treat except at Albany, 59.
-, Treaty with, renewal of, rejected by Council, 657.
-, hostages at Fort Christanna, 406.
-, return of, ordered, 568.
-, murder by, 699.
-, Northern, incursions by, renewed, 699.
-, threaten Saponies, 699.
-, prevented by Spotswood, 699.
-, treaty with, refused by Assembly, 699.
-, peaceful, 568 II.
-, Saponie, attack by Northern Indians threatened, 699.
-, protected by Spotswood, 699.
-, treaty with, 699.
-, Tributaries, protection for, refused by Assembly, 568.
-, fort for, ordered to be destroyed, 568.
-, Tuscarora, incursions by, renewed, 699.
-, trade with, restricted, 59, 59 IV (a).
-, traders suspected of encouraging to attack Cuttabas, 59, 59 IV (a).
-, war with, anticipated by Assembly, 456.
-, Westward, communications with, attempts to open, by Lt. Govr. Spotswood, 657.
-, iron mines, discovery of, 800.
-, James City, 800.
-, King's Birthday, celebration of, 568, 588.
-, lands in, escheated, grants of, payments for, 422, 422 I.
-, grants of, account of, required, 63, 334.
-, by Lt. Gov. Spotswood, 657, 657 IV.
-, forfeited on non-payment of quit-rents, 422.
-, complaint concerning, 800 II (b).
-, reply to, 800.

- Virginia, lands in, grants of—*cont.*
 , , , payments for,
 422 II.
 , , , new regulations
 for, 59.
 , , , necessity for,
 described, 59 I.
 , , , , Proclama-
 tion concerning, 59 III, IV (b).
 , , sale of, new method
 commended, 334.
 , Lt. Governor of. *See*
 Spotswood, A.
 , , salary of, 422 II.
 , lottery, 671 I.
 , Militia, 699.
 , miners, German, employed by
 Spotswood, 800.
 , mines, iron, discovery of, 800.
 , , gold, expected, 800.
 , , Spotswood's interest in,
 800.
 , ministers, salaries of, 422 II.
 , naval stores, Act regulating
 quality of, difficulty in procur-
 ing, 699.
 , Northampton County, Act
 concerning Courts in, rejected,
 568.
 , oath of Judges, amendment to,
 456.
 , officers appointed by Crown.
 objection to, 800.
 , , fees, regulation of,
 proposed, 568.
 , Ouacock, intended as rendez-
 vous for pirates, 800.
 , pirates, capture of, 10 VI,
 800.
 , , , reward offered
 for, 800.
 , , off coast, 657.
 , , effects of, piratically
 taken, enquiry concerning, 800.
 , , , action by pirate
 for recovering, 800.
 , , expedition against, 800.
 , , favoured by inhabitants,
 800.
 , , increase of, 5, 5 I.
 , , pardon for, extended,
 800.
 , , , commission for,
 800.
 , , trial of, 800.
 , , , commissions for,
 405.
 , , , , validity of,
 questioned, 800; *and see* Plan-
 tations, Governors of.
 , , unlawful concourse of,
 Proclamation prohibiting, 657
 III.
 , , , , reason for,
 657.
- Virginia—*cont.*
 , posts, fortnightly, to Penn-
 sylvania, established, 568.
 , , , objection to, 568.
 , prerogative of the Crown,
 defence of, 456.
 , , infringement of, 568,
 588, 657.
 , , opposition to, 657, 800.
 , Proclamations, 59 II, III,
 IV (a), (b), 657, 657 II, III.
 , prosperity of, 568, 568 II,
 800.
 , Quakers. *See* Act prohibiting
unlawful assembly of.
 , quit-rents, 657.
 , , accounts of, 422, 422 I,
 657 V.
 , , , required, 63.
 , , Act concerning payment
 of, 422.
 , , , attempts to repeal,
 422.
 , , , interpretation of,
 by Council, 422.
 , , appropriation of, to
 support of Government, pro-
 posed, 456.
 , , , , object of,
 456.
 , , , , opposed by
 Lt. Gov. Spotswood, 456.
 , , lands forfeited for non-
 payment, complaint concerning,
 800 II (b).
 , , , , reply to, 800.
 , , , , opposition to,
 422, 800.
 , , payable in tobacco, 422.
 , , payments from, 422 I.
 , , payment of deficiency
 of revenue from, proposed, 15,
 15 I-III, 63.
 , Rappahanock, R., iron dis-
 covered near, 800.
 , Receiver General. *See*
 Roscow, J.
 , , accounts of, new regu-
 lation of, 59, 59 I, III, IV (b).
 , , , payment of, 422 II.
 , remonstrances, secret, Spots-
 wood on, 59.
 , Revenue, accounts of, 63,
 406 I, 422, 422 II, 657, 657 VI;
and see Quit-rents.
 , , , required, 63.
 , , , , frauds in, 59, 59 I,
 800.
 , , , accounts and auditing,
 reforms by Lt. Gov. Spotswood,
 59, 59 I, 406, 422, 456, 800.
 , , , , opposition
 to, 800.
 , , , , proclama-
 tion for, 59 III, IV (b).

Virginia, Revenue—*cont.*

-, deficiency in, payment out of quit-rents proposed, 15, 15 I-III, 63.
-, surplus of, 568, 568 II.
-, seal, new, for, 127, 150.
-, warrant for using, 127, 135, 142.
-, old, broken and returned, 406, 568.
-, Secretary of. *See* Cocke, William.
-, Sheriffs, 422.
-, ships seized by Spaniards, 5, 5 I, 10, 10 I-VIII; *and see* Beverley, H.
-, taxation by Parliament, right of, denied, 568.
-, tobacco, crops, 422.
-, price of, 422.
-, quit-rents payable in, 422; *and see* Act for preventing frauds in tobacco payments.
-, trade, 819.
-, duties on, 552.
-, with foreign Plantations, instruction concerning, 598.
-, proclamation prohibiting, 406, 657, 657 II.
-, illegal, seizure and trial of sloop for, 406.
-, Indian. *See* Va., Indian trade.
-, with Madeira and Western Islands, returns of, requested, 334.
-, naval stores, frauds in, 699.
-, Act regulating quality of, difficulty in obtaining, 699.
-, prosperous, 568, 568 II, 800.
-, royal care of, gratitude for, 568 III, IV.
-, trade and shipping. *See* Acts affecting.
-, Treasury rights, accounts of, faulty, 422; *and see* lands in, grants of.
-, Treaties not thought binding unless confirmed by Act of Parliament, 406.
-, William and Mary, College of, Governors of, 588 II.
-, Williamsburgh, post from, to Philadelphia, established, 568.
-, objection to, 568.

VIRGIN ISLANDS, account of, 487.

-, British title to, 582, 582 I ff.
-, asserted, 8 I.
-, British ships seized by Spaniards at, 692, 692 VI-VIII.
-, description of, 298, 487.

Virgin Islands, description of—*cont.*

-, by Capt. Walton, criticised, 298.
-, drought and famine in, 298 v, 442.
-, Governor of. *See* Hamilton, W.
-, instructions of, 494 I.
-, to assert British title, 8 I.
-, to prevent foreigners settling, 582, 582 II.
-, report by, 298.
-, visit by, 298.
-, inhabitants of, 298, 298 IV-IX.
-, emigration of, proposals for, to Crab I, 40, 40 I, 298, 298 V-VII, 329.
-, to St. Cruz, 487.
-, to St. Kitts, 487, 560.
-, grants of land to, in St. Kitts, proposed, 157, 231, 298, 692, 692 I.
-, promised, 329.
-, recommended, 442.
-, negroes in, 298 IV, VI, VIII, IX.
-, pirates at, 134.
-, settlement of Dutch and Danes in, recommended, 298.
-, settlements in, by Danes, intended, 298.
-, timber-cutting by Danes, protest against, 298, 298 x.
-, Anguilla, 442.
-, British settlement on, 8 I.
-, description of, 298, 298 v, 737.
-, drought and famine in, 298 v, 442.
-, inhabitants of, invited to Bahamas, 737.
-, migration of, 298.
-, to Crab I, 40, 214.
-, petition for, 298, 298 v.
-, recommended, 298.
-, prohibited, 40 I, 329, 692, 692 I.
-, to Sta. Cruz, 157.
-, checked, 442.
-, to St. Kitts, proposed, 560, 570.
-, grants of lands to, in St. Kitts, proposed, 157, 171, 214.
-, promised, 329.
-, numbers of, 298, 298 IV, 737.

Virgin Islands, Anguilla—*cont.*
 , Lt. Governor of. *See*
 Howell, Abraham ; Leonard,
 George.
 , soil of, exhausted, 298,
 298 v.
 , Beef Island, 104 i.
 , description of, 298.
 , inhabitants of, 298 i.
 , Crab Island, attack upon, by
 Spaniards, 298, 442, 652, 692.
 , , representation
 concerning, 582, 582 i *ff.*
 , , reparation for,
 demanded, 442, 570.
 , , claim to, by British,
 8 i, 593 iv (a), 624 i, 628 i.
 , , , reply to,
 593 i-iv.
 , , claim to, by Danes,
 593 i-iv, 624 i, 628 i.
 , , , referred, 593.
 , , , reply to,
 628 i.
 , , , report upon,
 8 i.
 , , description of, 298.
 , , inhabitants of, carried
 off by Spaniards, 298, 797.
 , , , enquiry
 concerning, 652.
 , , , numbers of, 298
 ix.
 , , , increase of, 408.
 , , , discouragement of,
 ordered, 408.
 , , report upon, required,
 408.
 , , withdrawal from, 593 i.
 , , Capt. Kidd's cargo
 landed at, 624 i.
 , , , protest against by
 Admiral Benbow, 624 i.
 , , migration to, from
 Leeward and other Virgin
 Islands, 40, 40 i, 214, 298,
 298 v, vii.
 , , , prohibited,
 40, 329, 692, 692 i.
 , , , petition
 concerning, 298, 298 v, vii.
 , , , recom-
 mended, 298.
 , , sloop captured by
 pirates, 298 iii.
 , , turtling at, 692.
 , Sta. Cruz I., description of,
 298.
 , , emigration to, checked,
 442.
 , , , proposed,
 487.
 , , pirates at, 797, 797 i.
 , , ship of, destroyed,
 298.

Virgin Islands, Sta. Cruz I.—*cont.*
 , , settlement on, English,
 298.
 , , , French, 298.
 , , , abandoned,
 298.
 , , , turtling at, 692.
 , , , British ship seized
 by Spaniards for, 692, 692 vi-
 viii.
 , St. Johns, British title to,
 asserted, 494, 494 i, ii, 582,
 628 i.
 , , claim to, by Danes, 526,
 526 i-iv, 593 i, 628 i.
 , , , , reply to,
 526, 526 i, ii, 628 i.
 , , , , representa-
 tion on, 582, 582 i *ff.*, 652.
 , , Craul Bay, fortification
 of, by Danes, 526 i.
 , , description of, 298.
 , , settlement on, by Danes,
 628 i, 736.
 , , , protest against,
 298, 298 x, 494, 494 i, ii, 526,
 526 i, ii, v, 628 i.
 , , , , reply to,
 526 iii, iv.
 , , , , repre-
 sentation upon, 652.
 , , , , reply
 to, 593 i.
 , , , , referred,
 593.
 , St. Peter's I., description of,
 298.
 , St. Thomas, Danes at, 298.
 , , , complaints con-
 cerning, 628 i.
 , , , observations on,
 609.
 , , , enquiry concern-
 ing, 610, 652.
 , , , title of, 526 iii,
 iv, 593 i.
 , , , , denied,
 526 ii, 628 i.
 , , , , enquiry
 concerning, 610.
 , , , observations upon,
 609.
 , , , report upon, 8, 8 i.
 , , emigration to, fear of,
 408.
 , , expedition against, by
 Spaniards, feared, 818 i.
 , , , aid from
 L.I., solicited, 818 i.
 , , French privateers har-
 boured at, 628 i.
 , , Governor of, 593 i ;
and see Bredal, E.
 , , letter from, 59 i,
 ii, iv (b), 736, 818 i.

Virgin Islands, St. Thomas, Governor of—*cont.*
 , letter to, 593 iv (a), 623, 736.
 , enquiry for, 623.
 , burnt in Admiralty fire, 624.
 , message to, 487, 494, 494 ii; *and see* Bredal, E.
 , representation to, concerning Virgin Islands, 298, 298 iv.
 , negroes, runaway, harboured at, 628 i.
 , Phillip, —, case of, 298 x.
 , pirates supplied from, 797, 797 i.
 , settlement of Virgin Islands from, 494.
 , protest against, 494, 494 i.
 , trade, illegal, with, 628 i.
 , trade with N.E., 620 i.
 , Spanish Town, 442.
 , description of, 298.
 , inhabitants of, migration of, to Sta. Cruz, petition for, 298, 298 vii.
 , recom-
 mended, 298.
 , restrained, 442, 487.
 , to St. Kitts, intended, 487.
 , grants of land to, in St. Kitts, proposed, 487, 570, 736.
 , numbers of, 298, 298 vi.
 , praise of, by Capt. Walton, exaggerated, 298.
 , soil of, exhausted, 298.
 , Tortola, British settlement on, 8 i.
 , title to, 628 i.
 , description of, 628 i.
 , drought and famine in, 442.
 , lands in, grants of, 298, 298 vii.
 , inhabitants of, migration of, to Sta. Cruz, checked, 442, 487.
 , petition for, 298, 298 vii.
 , to St. Kitts, intended, 487.
 , grants of lands to, in St. Kitts, proposed, 487, 570, 736.
 , numbers of, 298 viii.

Virgin sloop, seized by Spaniards. *See* Virginia, Beverley.
 , crew of, deposition by, 10 viii.
 Vorst, Simon Van, pirate, trial of, 575, 575 i.

W

Wachter, Jacob, letter from, 198.
 , letter to, 226.
 Wackee, Isaac, captured by pirates, 797 ii.
 Wade, ship, taken by pirates, 797 ii.
 Wager, Sir Charles, Commissioner of the Navy, document signed by, 386, 619.
 Wagstaffe, Avery, deputy Secretary, Jam., 109 ii.
 Walco, Josiah, claim to lands between Nova Scotia and Maine, report upon, 261.
 , reply to, 268.
 Walker, Thomas, Councillor, Bahamas, 737.
 , William, Councillor, Bahamas, 737.
 , (Barbados), caveat by, 535, 572.
 Wallwin, Thomas, junr., document signed by, 438, 429.
 Walpole, Horatio, Surveyor and Auditor General of the Plantations, 476.
 , patent of, 133, 154.
 , accounts required from, 133.
 Walter, R., Councillor, N.Y., document signed by, 738 i.
 Walton, Capt., report upon Virgin Islands, criticised, 298.
 , William, document signed by, 516 i.
 Ward, James, plantation of, petition concerning, 30, 30 i.
 Waring, Thomas, document signed by, 399.
 Warner, Ashton, Speaker of Assembly, Antigua, document signed by, 411, 412.
 , Edward, Councillor, Antigua, 797.
 , document signed by, 411, 412.
 , plantation of, St. Kitts, order concerning, 817.
 , John, Judge of the Admiralty Court, Jam., 118.
 , document signed by, 252 iii.

Warner, John—*cont.*

....., prosecution of, petition for, 591 II.

....., order for, proposed, 606.

....., ordered, 643.

Warner, frigate, 358.

Washington, John, jr., Va., grant of lands to, 657 IV.

Waterman, John, document signed by, 742 IV–XII, XIV.

Watkins, Giles, document signed by, 411, 412.

....., Samuel, Councillor, Bahamas, 737.

....., death of, 737.

....., document signed by, 413.

Watson, Capt., 423.

Watte, Mary, document signed by, 716 I.

Watts, Robert, document signed by, 516 I.

Way, —, 110.

Wear, Peter, recommended for Council, N.H., 700.

Weatherill, James, document signed by, 411, 412.

Weekes, Ralph, document signed by, 742 XIV.

Weiser, Conrad, character of, 600.

....., goes to England on behalf of Palatines, 600.

Welch, James, deposition of, 729 (a).

Wells, John, Councillor, N.J., 613.

....., appointment of, 234, 348, 601.

....., recommendation of, 12, 194, 219.

Wensley, Anne, deposition of, 262.

....., George, 262.

Wentworth, John, Lt. Governor, New Hampshire, Commission of, 80.

....., appointment of, 283.

....., business of, 307.

....., complaints against, anticipated, 307.

....., letter from, 307.

Wentworthy, J., document signed by, 700 VIII.

WEST INDIES, trade with N.E., 85, 85 I; and *see* Trade.

....., provisions for, transport of, from N.E., threatened by Spaniards, 738 v.

West, Patrick, document signed by, 413.

....., Richard, Counsel to Board of Trade, appointment of, 496.

....., letter from, 530, 545, 572, 581, 607, 615, 652, 663, 744, 750 II, 755, 786.

....., letter to, 531, 564, 577, 599, 636, 706, 708, 726, 731, 741, 764.

West—*cont.*

....., Robert, conveyance of grant, N.E., 261, 268.

Western Islands (Azores), trade with, returns of, 85, 330, 575, 600, 618, 618 I, 736, 742.

....., required, 334, 344, 402, 408, 419, 450, 465, 471.

Weston, Ambrose, case of, report upon, 527.

....., conduct of, approved, 64.

....., petition of, 370, 370 I; and *see* Tulon.

Whale fishery, licences for. *See* Mulford, S.

....., opinion on, 478.

Wheeler, Sir Francis, report by, 798.

....., Robert, N.J., death of, 739.

Wheelock, Bryan, Assistant Secretary, Board of Trade, letter from, 224, 555, 599.

....., salary of, 233.

Whetstone, John, petition of, 753 I.

....., referred, 753.

....., report upon, 767.

Whitburn, Capt. Richard, mission of, 798.

White, William, Councillor, Montserrat, 797.

Whitney, Capt., R.N., 737.

....., complaint against, 807.

Whore-Kills (Cape Henlopen), 177 I.

Whorwood, Thomas, Capt., R.N., 394.

....., Instructions for, 394.

Wickham, Benjamin, deposition of, 729 (b).

....., document signed by, 192.

....., Elizabeth, deposition by, 359 XII.

....., John, deposition of, 359 v.

....., Mary, deposition of, 359 IV.

....., Nathaniel, 359 I, IV.

....., deposition of, 359 VI.

....., petition of, 477.

Wignacourt, Franconville, Marquis de, letter from, 396, 397.

....., settlement between Nova Scotia and Maine proposed by, 396, 397.

Willard, Josiah, Secretary, Mass. Bay, fees of, Act affecting, complaint concerning, 274.

....., letter from, 274, 524, 544, 776.

....., letter to, 616 VIII.

....., salary of, insufficient, 776.

....., stationery, request for, 524.

Willet (Willet), John, Councillor, St. Kitts, 66.

....., leave of absence, 736, 797.

Willet (Willet), John—*cont.*
 , , plantation of, petition concerning, 30, 30 i.
 , , , grant of, continued, 574.
 , Ralph, Councillor, St. Kitts, 559.
 , , death of, 736.
 , , plantation of, petition concerning, 30, 30 i.
William, ship, captured by pirates, 660.
William and Mary sloop, captured by pirates, 551 i, ii, v, vii, viii, x.
 William III, 798.
 Williams, James, 134 iii.
 , , deposition of, 134 v.
 , John, document signed by, 399.
 , , plantation of, petition concerning, 32.
 , , , grant of, continued, 574.
 Willington, Capt., 384.
 Willis, Capt., 392 i.
Winchelsea, H.M.S., 10, 566.
 Winkler, Herman, instructions to, 693 ii.
 , , letter from, 690.
 Wiseman, William, document signed by, 603 iii.
 Witherill, John, certificate by, 43 ii.
 Witts, John, deposition of, 729 (b).
 Woddrop, William, Judge of Admiralty, St. Christophers, 742.
 Wood, William, letter from, 391, 415, 457.
 Wooddeson, J., document signed by, 233.
 Woodley, John, document signed by, 438, 439.
 Woodrop, Alexander, plantation of, St. Kitts, proposal to purchase, 83.
 Woodrope, William, Councillor, St. Kitts, 298, 736, 742, 797.
 , , plantation of, order concerning, 817.
 Woods, H.M., in America, Act, for *preservation of pine etc.*, 744.
 , , , , for better preservation of, proposed, 616, 616 v, 617.
 , , care of, to be entrusted to Governor of New England, proposal for, 592.
 , , claimed for Mass. Bay, 283, 616, 616 i-vi, 672.
 , , Crown title to, 755.
 , , , challenged, 283, 616, 616 i-vi, 672.
 , , , enquiry concerning, 711, 726, 741.
 , , , opinion on, 744.
 , , , reserved by Charter, 744.

Woods, H.M.—*cont.*
 , , preservation of, importance of, 755.
 , , , instructions for, insistence on, recommended, 755.
 , , survey of, in Nova Scotia, proposed, 619.
 , , Surveyor General of. *See* Bridger, J.; Burniston.
 , , , to act by deputy, 592.
 , , , Instructions to, 619.
 , , , need of, 617, 735.
 , , waste of, in New England, 283, 428, 616, 617, 672, 735, 812.
 , , , difficulty of preventing, 616.
 , , , measures to prevent, 428, 429.
 , , , complaint from N.H. concerning, 428.
 , , , prosecutions for, proposed, 672.
 Woodward, Anthony, recommended for Council, N.J., 739.
 , John, document signed by, 399.
 Wool, Carolina, 452 i.
 , manufacture of, in N.E., 620.
 , , , enquiry concerning, 418.
 , , , remedy for, proposed, 620 i.
 , , in the Plantations, 819.
 , prohibition of trade in, 85.
 , seizures of, trial of, in Admiralty Courts urged, 85.
 Works, Office of, 299.
 , , letter to, 224.
 Worley, —, pirate, capture of, 787.
 Wright, William, N.S., 352.
 , , document signed by, 351 ii.
 Wrichte, —, document signed by, 483.
 Wyke, George, Councillor, Montserrat, 797.
 Wyllys, John, recommended for Council, Jam., 53.

Y

Yate, Charles, Capt., 737 vii.
 Yeamans, John, Councillor, Antigua, appointment of, 745, 769, 775.
 , , petition for, 705.

Yeamans, John—*cont.*

.....,, recommendation for,
567, 576, 596, 745, 754; *and*
see Barrington, J.

....., Robert, document signed by,
742 iv-xii.

Yonge, Francis, Surveyor General,
Car., commission and instruc-
tions of, 694.

.....,, document signed by,
730, 787.

.....,, return of surveys re-
quired from, 694.

Yucatan, logwood cutting in, 104 i.

Z

Zuthill, Za., Lt., document signed by,
700 ix, x.

